Ser: Sojie Rajah 1809

1993

# PRINCIPAL HEADS

OF THE

# INDEX

TO THE

## *REGULATIONS of* 1803.

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ALTERATIONS, MODIFICTAIONS, EXTENSIONS and RESCISSIONS &c.

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# TITLES

OF THE

# REGULATIONS

PASSED

IN THE YEAR

1803.

## REGULATION.

I.

A REGULATION *for defining the duties of the Board of Revenue; and for determining the extent of the powers vested in the Board of Revenue.—Passed on the 1st January 1803.*

II.

A REGULATION *for describing and determining the conduct to be observed by Collectors in certain cases—Passed on the 1st of January 1803.*

III.

A REGULATION *for defining and declaring the extent of the jurisdiction of the Courts of Adawlut established or to be established*

*established in such parts of the British Territories subject to the Presidency of Fort St. George, and denominated the Northern Circars, as lies North of the River Kistnah; and for extending the jurisdiction of the Zillah Court of Guntoor, to such part of the Northern Circars as lies South of the River Kistnah.—Passed on the 18th of March 1803.*

IV.

A REGULATION *for suspending in the Province of Malabar the functions of the Fouzdarry Adawlut established for the Province of Malabar, Canara and Soonda, Balaghaut—Passed on the 15th of April 1803.*

V.

A REGULATION *for removing the Court of Appeal established at Madura to Trichinopoly.—Passed on the 22d of April 1803.*

VI.

A REGULATION *for extending the jurisdiction of the Zillah Court of Chingleput over the Zemindaries of Vencatagherry, Calastry, Bomrauzepollam, and Sydapour.—Passed on the 22d of April 1803.*

VII.

A REGULATION *for establishing a Zillah Court at Ramnad, and for defining the limits of its jurisdictions.—Passed on the 27th of May 1803.*

VIII.

A REGULATION *for declaring the Poligars of the Jagheer not amenable to the Zillah Court of Chingleput for debts contracted in their official capacity, and for appropriating a fund for the proportionate liquidation of such debts—Passed on the 5th of August 1803.*

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## IX.

A REGULATION *for levying a duty on the Imports and Exports of Merchandize by Sea at the Port of Madras; for determining the amount of duty and for defining the Rules under which that duty ſhall be collected.—Paſſed on the 12th of Auguſt* 1803.

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A REGULATION *for levying a duty on Imports and Exports by Sea, at the ſeveral ports in the provinces ſubject to the authority of the Government of Fort St. George; for determining the amount of duty, and for defining the rules under which that duty ſhall be collected.—Paſſed on the 12th of Auguſt* 1803.

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A REGULATION *for levying a duty on Goods imported by land from, and exported to the territories of foreign ſtates in India, and on Articles of Merchandize produced or manufactured or conſumed in certain Towns and places; for determining the amount of duty, and for defining the rules under which that duty ſhall be collected.—Paſſed on the 12th of Auguſt* 1803,

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XV.

A REGULATION *for determining the punishment to be adjudged by the Criminal Courts of Judicature in cases wherein a discretion is left by the Mahomedan Law, for defining the crime and punishment of robbery by open violence, and for declaring what Convicts shall be hereafter liable to transportation, or to banishment, as well as the punishment of such as may return from transportation, or escape from confinement, during the period of their sentences.—Passed on the 30th of December* 1803.

XVI.

A REGULATION *for suspending the operation of the Custom Regulations in certain cases.—Passed on the 30th of December* 1803.

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FOR DEFINING

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OF THE

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AND FOR DETERMINING

*THE EXTENT OF THE POWERS VESTED*

IN THE

## Board of Revenue.

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 1st OF JANUARY 1803.

# A. D. 1803. Regulation. I.

A REGULATION *for defining the duties of the Board of Revenue; and for determining the extent of the powers vested in the Board of Revenue.*

WHEREAS it has hitherto been usual for the Board of Revenue to exercise judicial authority in the determination of certain cases of a civil nature appealed from the decision of the Collectors, who were entrusted with the administration of the revenues, and the distribution of justice in their respective districts; and whereas Courts of Judicature have been established for the purpose of administering justice in all cases civil and criminal; it is expedient that the judicial authority heretofore exercised by the Board of Revenue, should be formally abrogated in those districts where Zillah Courts have been established: and whereas it is important to the security of the persons and property of those, for the protection of whom the said courts have been established, that the powers and authorities entrusted to the said Board of Revenue, in respect of the executive administration of the revenues, should be defined and published; wherefore the following regulations have been passed by the Governor in Council.

II. The

The members of the Board of Revenue to take an oath.

II. The Members of the Board of Revenue are required by act of Parliament to take, previously to entering on the duties of their office, and do accordingly take and subscribe the following oath, according to the law of England.

Oath.

" I, A. B. do promise and swear, that I will, to the utmost of " my endeavours, well and faithfully execute and discharge " the duties of an officer of revenue, reposed in and committed to me, by the United Company of Merchants of England " trading to the East Indies; and that I will not demand, take, " or accept, directly or indirectly, by myself or by any other " person for my use, or on my behalf, of or from any Rajah, Zemindar, Talookdar, Polygar, Farmer, Renter, or Ryot, or from " any person paying or liable to pay any tribute, rent, or tax, to " or for the use of the said United Company, any sum of money " or other valuable thing, by way of gift, present, or otherwise, " over and above, or besides and except the actual tribute, rent, " or tax authorized to be taken by and for the use of the said " United Company: and that I will justly and truly account " for, answer, and pay, all the rents, duties, and other revenues, " and sums of money which shall come to my hands, or to the " hands of any person or persons in trust for or employed by " me, as an officer of the revenues of the said Company, unto " the said United Company.

*"So help me God."*

Penalties attached to a violation of the oath.

III. Where any member of the Board of Revenue may violate the foregoing oath, he will not only be liable to such punishment as the executive government is empowered to inflict, by public degradation from his office; but will moreover incur the penalties of the criminal law of England.

IV. The

IV. The duties of the Board of Revenue have been, and hereby are declared to be, the general ſuperintendence of the revenues from whatever ſource they may ariſe, and the recommendation of ſuch propoſitions to the Governor in Council, as in their judgment may be calculated to augment or improve thoſe revenues. The duties of the Board of Revenue.

V. The Board of Revenue have had, and are hereby declared to have authority to ſuperintend and control all perſons employed in the executive adminiſtration of the public revenue; all zemindars or proprietors of land paying revenue; and all farmers, ſecurities, ryots or other perſons concerned in, or reſponſible for, any part of the revenue of government; as far as the ſaid ſuperintendance and control may relate to the executive adminiſtration of the revenue under the Regulations now enacted, or to be hereaſter enacted. The ſuperintendence and control of all perſons employed in the executive adminiſtration of the Revenues veſted in the Board of Revenue.

VI. The Board of Revenue ſhall aſſemble two days, at the leaſt, in every week for the diſpatch of buſineſs. The Board to meet two days in every week.

VII. In the event of any of the members being prevented by indiſpoſition, or other cauſe, from attending the meetings of the Board, two members ſhall be competent to form a Board. Two Members may form a Board.

VIII. The Board of Revenue ſhall uſe in the tranſaction of official buſineſs, a circular ſeal two inches in diameter bearing in the Engliſh and Perſian languages this inſcription: "The ſeal of the Board of Revenue:" and no other ſeal ſhall be uſed by the Board of Revenue. The Board to uſe an official ſeal. Inſcription thereof.

IX. The Board of Revenue ſhall annually, (or as often as they may be required,) lay before the Governor in Council a general report of their proceedings to be drawn out ſummari- A ſummary report of the Board's proceedings to be laid before Government, as often as required.

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ly, and under the diſtinct heads of diſtricts, with reference to the dates of the conſultations in which each ſubject is contained; which ſubject ſhall be reſpectively continued in each ſucceſſive report, from the date of the report preceding.

To keep three ſets of their proceedings.

X. The Board of Revenue ſhall keep three ſeparate ſets of their proceedings: one ſet for the broken periods, to accompany the general report above ordered; a ſecond ſet to be ſent to England complete by the firſt diſpatch, after the expiration of each year; and a third ſet to be kept in the office. The Board of Revenue ſhall prepare and annex a copious index to the ſecond and third ſets.

The receipt of all letters from Government, how to be acknowledged.

XI. The Board of Revenue ſhall invariably acknowledge the receipt of all letters from the Governor in Council, reciting in abſtract the ſubſtance of the letter ſo acknowledged, and the ſteps they have taken in conſequence.

Their records to be preſerved complete.

XII. The Board of Revenue ſhall be careful to preſerve their records complete; and ſhall tranſmit to the Governor in Council, with the whole ſet of their proceedings, a liſt of all records, and of all papers not entered on their records.

The records not to be removed from the office, and no part of them to copied for the members.

XIII. The Members of the Board of Revenue ſhall not have copies of any part of the records, nor remove any of the records from the office of the Board of Revenue. Members of the Board of Revenue wiſhing to refer to the records, ſhall cauſe ſuch records to be brought into the meeting room of the Board of Revenue, and ſhall peruſe them there.

To be refered to at the office only.

When reference to the government records is wiſhed for, how to be btained.

XIV. When the Board of Revenue may have occaſion to refer to the records of Government, they ſhall apply for ſuch records to the Governor in Council.

XV. The

XV. The Board of Revenue ſhall accompany all papers in the native languages, which they may tranſmit to Government, with tranſlations in Engliſh.

Papers in the native languages to be accompanied with tranſlations in Engliſh.

XVI. All propoſitions or ſuggeſtions intended by individual members for the conſideration of the Board, ſhall be ſubmitted through the channel of the Preſident.

All propoſitions to be ſubmitted through the Preſident.

XVII. Where new propoſitions may ariſe during the conſideration of a queſtion, ſuch propoſitions ſhall not be diſcuſſed, until the previous queſtion ſhall have been diſpoſed of.

No new propoſitions to be diſcuſſed, till the previous queſtion is diſpoſed of.

XVIII. Queſtions at the Board of Revenue ſhall be determined by a majority, and the reſolutions of the majority ſhall be the reſolution of the Board; and ſhall be carried into execution accordingly.

A majority to decide the queſtion.

XIX. In deliberations where queſtions may be put to the vote, the opinion of the junior member ſhall be firſt recorded, and then the opinions of the other members according to their rank upwards.

Opinions of the members how to be taken.

XX. Where a difference of opinion may happen, and where the votes may be equally divided, the Preſident ſhall have the caſting vote: but the proceedings on any queſtion ſhall, at the motion of any member, be referred to the Governor in Council.

The Preſident to have a caſting vote.

XXI. A Member diſſenting from the majority of the Board, may record his diſſent at the time, or at a future meeting; but no minute ſhall be recorded on the proceedings of the day, unleſs delivered in before the adjournment of the Board; nor ſhall

Diſſents from the majority when to be recorded.

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any alteration be made in opinions once recorded, without the consent of all the members of the Board.

Rule to be observed in refering matters for the decision of Government.

XXII. The Board of Revenue shall accompany all references made to the Governor in Council, of their proceedings on matters requiring the decision of Government, with a letter stating summarily the nature of the subject submitted; and with distinct opinions and recommendations on each subject, for the consideration and decision of the Governor in Council.

The Board may in certain cases entrust a specific duty to a particular member.

XXIII. In cases where it may be necessary for the dispatch of business, the Board of Revenue may commit the charge of any specific duty to a particular member, but in no other case shall the members individually excercise any authority.

Powers of the President with respect to the meetings of the Board.

XXIV. The President of the Board of Revenue shall have authority to appoint and to change the days of meeting; to summon extra-meetings of the Members; and to postpone the regular meetings, (provided nevertheless that two meetings be always held in one week); and to adjourn the Board at such hour as he may deem expedient.

The orders he may issue during the intervals of meeting.

XXV. The President, during the intervals of the meetings of the Board, may issue, of his own authority, such occasional or subsidiary orders as shall, in his opinion, be necessary for carrying into execution any existing resolution of the Board; to summon any person to attend the next meeting; and to issue orders to prepare materials for the consideration of the Board.

May direct the selection of business.

XXVI. The President shall regulate and prescribe the selection and arrangement of the business to be brought before the Board at each meeting.

XXVII. The

XXVII. The President ſhall propoſe reſolutions on all papers read, for the conſideration of the Board; and may ſtate ſpecific queſtions for the opinion of the members, on the buſineſs before the Board.

All reſolutions to be propoſed by him.

XXVIII. The President ſhall have authority in all caſes of emergency, while no Board may be ſitting, to decide queſtions requiring an immediate deciſion, and to iſſue orders on all references requiring an immediate reply.

His powers in caſes of emergency.

XXIX. The Preſident ſhall have authority to tranſmit complaint of wrongs ſuſtained in diſtricts where no Zillah Court has been erected to the Collector of that diſtrict, and to direct enquiry to be made into the complaint by ſuch Collector; and to require him to communicate the reſult of his inveſtigation to the Board.

May tranſmit to Collectors complaints of wrongs ſuſtained in their diſtricts, and direct them to report the reſult of their enquiry to the Board.

XXX. The Preſident ſhall have authority to require copies of any records, or to have the records themſelves ſent to him for his peruſal.

May have copies of any of the records, or the records themſelves.

XXXI. The Preſident ſhall have authority to call on Collectors or Aſſiſtant Collectors for papers, accounts, or for any information he may require on the Revenues of the diſtrict under ſuch Collector or Aſſiſtant Collector.

May call on Collectors for any accounts or information concerning the revenues.

XXXII. Whatever authority is hereby declared to be veſted in the Preſident, ſhall be veſted in the acting Preſident for the time being; and in caſe of the abſence of the Preſident, the ſenior member preſent ſhall preſide, and ſhall be veſted with all the powers of the Preſident.

The ſenior member to preſide in the abſence of the Preſident, and to be veſted with the ſame powers.

XXXIII. The

The Board of Revenue to be responsible for the discharge of the duties of their subordinate officers.

XXXIII. The Board of Revenue shall be responsible that the executive officers employed under them, discharge the duties of their respective stations with assiduity; and shall require them to pay a ready and implicit obedience to all orders and regulations; and shall punish neglect in the subordinate officers of revenue, at their discretion, according to the powers vested in them for that purpose.

May summon Collectors or their Assistants to the Presidency.

May impose a fine upon them.

May suspend them from their office.

XXXIV. In cases where the conduct of Collectors, or Assistant Collectors, may require explanation or justification; the Board of Revenue shall have authority to summon Collectors, or Assistant Collectors to the Presidency, for the purpose of explaining or justifying such conduct: and shall have authority to fine Collectors, or Assistant Collectors guilty of a neglect of duty or of disobedience of orders; provided nevertheless that the amount of the fine do in no case exceed one month's salary; or, where the nature of the case may render it expedient, shall suspend Collectors or Assistant Collectors, from their office, until the pleasure of Government shall be known.

The settlement of the revenues when to be made.

XXXV. The Board of Revenue shall be careful that the settlement of the revenues shall be made at as early a period of time after the commencement of the Fussy year as may be practicable; and shall report any delay in the completion of the settlement in the subordinate officers under them, to the Governor in Council.

All settlements to be submitted to Government, and not to be valid, till confirmed.

XXXVI. The Board of Revenue shall submit, as soon as may be practicable, to the consideration of the Governor in Council, all settlements of the public revenue in cases where the revenue may not have been permanently fixed; and such

settlements

ſettlements ſhall not be conſidered to be valid, until confirmed by the authority of the Governor in Council.

*The Board to aſcertain the grounds of temporary ſettlements of Collectors.*

*To prevent detriment to the Revenue thro' negligence or ignorance.*

*To guard againſt exceſs of zeal.*

XXXVII. In diſtricts where the revenue has not been permanently fixed, it ſhall be the duty of the Board of Revenue to inveſtigate and aſcertain the grounds of the temporary ſettlements effected by the Collectors; to compare the ~~revenues~~ resources of the Provinces with the revenue derived from them; to prevent by early and conſtant vigilance the impairment of the public revenue, through the negligence or ignorance of the inferior officers; and to guard againſt encroachments on the rights of the people, or on the permanent ſources of proſperity which may enſue from an exceſs of zeal on the part of the revenue officers.

*The Board to be careful that the revenues are duly realized.*

XXXVIII. The Board of Revenue ſhall be careful that the revenues are realized according to the ſtipulated periods of payment.

*May inveſtigate charges brought againſt Collectors, their Aſſiſtants, or native ſervants.*

*Extent to which they may puniſh them.*

XXXIX. The Board of Revenue ſhall have authority, in diſtricts where no Zillah Court has been erected, to inveſtigate charges brought againſt a Collector, Aſſiſtant Collector, public ſervants of Collectors, private ſervants of Collectors, or Aſſiſtant Collectors, for miſconduct, corrupt practices, or peculation; and on proof of miſconduct, corruption, or peculation, ſhall have authority to fine, or to ſuſpend from his office a Collector, or Aſſiſtant Collector, as preſcribed by Section XXXIV. of this Regulation. Where natives employed in a public or private capacity may be convicted of miſconduct, corruption, or peculation, the Board of Revenue ſhall have authority to puniſh ſuch natives by fine and impriſonment, or corporally, at their diſcretion.

XL. The

The Members of the Board not to trade, or to be engaged in money tranſactions with natives concerned in the revenues.

XL. The Members of the Board of Revenue ſhall not be concerned, directly or indirectly, in trade or commerce, or in houſes of agency, or be concerned in the direction or management of banks, or in tranſactions for borrowing or lending money with native officers under the revenue department, or with zemindars, proprietors of land, renters, or other perſons reſponſible for the revenue.

Lands not to be farmed to Europeans or their deſcendants, nor ſecurity for rents to be taken from them.

XLI. The Board of Revenue ſhall not farm lands to Europeans, or to deſcendants of Europeans directly or indirectly, without the authority of Government; or accept the ſecurity of Europeans, or deſcendants of Europeans for renters, farmers, or land-holders.

The Board not competent to make, or to confirm grants of land.

XLII. The Board of Revenue ſhall not grant or confirm, grants of ſhotrums, muctahs, fixed rents, enaum or free-gift lands, or confirm the ſucceſſion of perſons to ſuch lands, without the authority of the Governor in Council.

Not to continue penſions without authority.

XLIII. The Board of Revenue ſhall not continue the penſions of deceaſed penſioners to the families of ſuch deceaſed penſioners, without the authority of the Governor in Council.

May require the perſonal attendance of natives concerned in the revenue, in diſtricts where there is no Zillah Court.

XLIV. The Board of Revenue ſhall have authority, in diſtricts where no Zillah Court may have been erected, to require the perſonal attendance of proprietors or farmers of land, of dependant talookdars, under farmers or ryots, and of native officers, employed under Collectors: but in caſes where the attendance of Vakeels may be ſufficient, the Board of Revenue ſhall not inſiſt on the perſonal attendance of the principals.

Not to inſiſt thereon where a Vakeel may be ſufficient.

The Board not to Remove zemindars or poligars without authority.

XLV. The Board of Revenue, in diſtricts where no Zillah Court may have been erected, ſhall not remove zemindars from the

the management of their lands, nor poligars from their offices, without previous authority from the Governor in Council: and the Board of Revenue ſhall not appoint ſucceſſors to deceaſed zemindars or poligars, without previouſly reporting the claims of ſuch ſucceſſors, for the deciſion of the Governor in Council.

The claims of ſucceſſors to deceaſed zemindars and poligars to be reported previouſly to their ſucceeding.

XLVI. The Board of Revenue ſhall protect the inhabitants of all diſtricts where no Zillah Courts have been erected from oppreſſion and injuſtice; ſhall attend to all complaints from ſuch inhabitants; and ſhall compel Collectors, and Aſſiſtant Collectors, to afford ſpeedy redreſs to all perſons injured in their perſons or property.

The inhabitants of diſtricts, where there is no Zillah Court, placed under the protection of the Board of Revenue.

XLVII. The Board of Revenue ſhall have authority, in diſtricts where no Zillah Court may have been erected, to order natives not being public ſervants, but employed by the Collectors or Aſſiſtant Collectors, either publicly or privately in the management of the revenue, or any way interfering in the revenues, to be removed from the diſtricts in which they are employed, or to be fined or impriſoned, or corporally puniſhed, at the diſcretion of the Board of Revenue.

Authority veſted in the Board to remove perſons not being public ſervants of Collectors employed in the revenue.

XLVIII. The Board of Revenue ſhall provide that on the death, reſignation, or removal of Collectors, care be taken of the public money and records by the ſucceſſors to ſuch Collectors, or by their Aſſiſtants: the Board of Revenue ſhall not permit perſons reſigning or removed from their ſtation to depart, until notification of their having delivered over charge of ſuch money and records to their ſucceſſors, ſhall have been received.

Rules to be obſerved by the Board on the death, reſignation, or removal of Collectors.

XLIX. Where the Board of Revenue may conſider the deputation of a member of their Board, or of any other perſon neceſſary

How the Board are to act where the deputation of a member, or any other perſon may be neceſſary.

ceſſary for purpoſes connected with the adminiſtration of the revenue, they ſhall report ſuch neceſſity to the Governor in Council; and wait the orders of the Governor in Council, previouſly to deputation.

May depute Aſſiſtant Collectors on any ſervice within the limits of the collectorſhip.

L. The Board of Revenue ſhall nevertheleſs have authority to order Aſſiſtant Collectors to be deputed on any ſervice they may deem expedient, within the limits of the collectorſhip to which ſuch Aſſiſtant Collector may be attached; but ſhall not depute ſuch Aſſiſtants into diſtricts to which they are not attached, without the previous authority of the Governor in Council.

The Board to recommend diſburſements for tuccavy, when neceſſary.

LI. The Board of Revenue ſhall recommend to the Governor in Council diſburſements of money for tuccavy, for repairs or for improvements in agriculture, where they ſhall be of opinion that the diſburſement of ſuch money will be beneficial to the public Revenue.

The Board to be attentive to the oeconomical diſburſement of the public money.

LII. The Board of Revenue ſhall require in the executive officers under their authority, an attention to the principles of economy in the diſburſement of the public money; and ſhall require the production of authentic and ſatisfactory vouchers, for all diſburſements made in repairs and in improvements.

Every application for an increaſe of expenſe, to be ſatisfactorily explained.

LIII. The Board of Revenue ſhall require ſatisfactory reaſons and explanations in ſupport of any increaſe of expenſe applied for, previouſly to referring ſuch increaſe for ſanction to the Governor in Council; and ſhall at all times ſubmit their opinions on the amount of the increaſe of diſburſements required to be made.

LIV. The

LIV. The Board of Revenue ſhall annually reviſe the moyen zabitehs of the Collectors, and ſhall ſubmit ſuch moyen zabitehs for the confirmation of the Governor in Council: it ſhall not be competent for the Board of Revenue to confirm the eſtabliſhments of Collectors, without authority from the Governor in Council being firſt had, and obtained.

The moyen zabitehs to be annually reviſed by the Board, and not to be confirmed without authority.

LV. Where the Board of Revenue may conſider a remiſſion of the amount of an exiſting ſettlement to be requiſite, or a remiſſion of balances to be conducive to the public good, they ſhall ſubmit the circumſtances of the caſe, and the amount of the remiſſion, to the conſideration of the Governor in Council.

How the Board are to act, where remiſſions may be neceſſary.

LVI. The Board of Revenue ſhall ſuſpend the rigorous collection of the revenues, according to the ſtipulated periods, where ſatisfactory evidence of the neceſſity of a temporary ſuſpenſion may be ſtated to them: but the Board of Revenue ſhall not extend the period of ſuch ſuſpenſion beyond the current Fuſly, without the previous authority of the Governor in Council.

Extent of their power, with regard to ſuſpending the rigorous collection of the revenues.

LVII. The Board of Revenue ſhall direct Collectors of diſtricts, where a permanent ſettlement of the land revenue may have been concluded, to attach the lands of proprietors who may have fallen in arrear; and ſhall require Collectors to diſpoſe of the whole, or a part of ſuch lands, as the caſe may be, for the recovery of ſuch arrear, in the mode and manner preſcribed in the regulations.

The attachment and ſale of lands for arrears to be ordered by the Board of Revenue, when an arrear of revenue accrues.

LVIII. Where eſtates, or portions of an eſtate may be reported to be attached in ſatisfaction of decrees for an arrear of

Periods preſcribed for the ſale of eſtates.

Revenue

revenue by a Court of Justice, the Board of Revenue shall direct the Collector to notify that such estates, or portions of estates will be sold at the end of the then current Fusly year; unless the arrears, and all demands on the estates shall be satisfied previously to that time: but the Board of Revenue shall authorize (if considered to be expedient, and with the permission of the Governor in Council) the sale of estates, previously to that period of time.

# A REGULATION

FOR DESCRIBING AND DETERMINING

# THE CONDUCT

TO BE OBSERVED BY

# COLLECTORS

*IN CERTIN CASES.*

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 1st OF JANUARY 1803.

# A. D. 1803. Regulation II.

A REGULATION *for describing and determining the conduct to be observed by Collectors in certain cases.*

WHEREAS under the system of internal government established for the administration of the public revenue, and for the security of persons and property, individuals should have the means of ascertaining and knowing the regulations passed for their benefit; and whereas the said system further requires that the power and authority heretofore vested in the immediate Collectors of the revenue should be curtailed; Wherefore the following regulation has been passed for the purpose of defining the authority committed to Collectors, and for describing the modes of procedure, required in the discharge of their duty.

II. The collection of the public revenue derived from land tax; from duties on commodities by sea and land; from salt; from the excise on spirituous liquors; or from other articles of taxation; shall be entrusted to Collectors, who shall be covenanted civil servants of the Company. The collection of the revenues entrusted to covenanted civil servants.

III. Collectors

Collectors to take an oath.

III. Collectors of revenue are required by act of Parliament to take, previously to entering on the duties of their office, and do accordingly take and subscribe the following oath, according to the law of England.

Oath.

" I. A. B. do promise and swear, that I will, to the utmost of " my endeavours, well and faithfully execute and discharge " the duties of an officer of revenue, reposed in and committed to me, by the United Company of Merchants of England " trading to the East Indies; and that I will not demand, take, " or accept, directly or indirectly, by myself, or by any other " person for my use, or on my behalf, of or from any Rajah, Zemindar, Talookdar, Polygar, Farmer, Renter, or Ryot, or from " any person paying or liable to pay any tribute, rent, or tax, to " or for the use of the said United Company, any sum of money " or other valuable thing, by way of gift, present, or otherwise, " over and above, or besides and except the actual tribute, rent, " or tax authorized to be taken by and for the use of the said " United Company: and that I will justly and truly account " for, answer, and pay, all the rents, duties, and other revenues, " and sums of money which shall come to my hands, or to the " hands of any person or persons in trust for or employed by " me, as an officer of the revenues of the said Company unto " the said united Company.

*"So help me God."*

Consequences of a violation of the oath.

IV. Where Collectors may violate the foregoing oath, they will not only be liable to such punishment as the executive government in India is empowered to inflict, by public degradation from office; but will moreover incur the penalties of the criminal law of England.

V. Collectors

V. Collectors ſhall be under the immediate control of the Board of Revenue, and ſhall obey all orders communicated to them by the authority of that Board.

Collectors under the orders of the Board of Revenue.

VI. Collectors ſhall furniſh ſuch papers or accounts relating to the revenues under their charge, as may be required by the Board of Revenue; the Preſident of the Board of Revenue, by the Accountant General; or by any other public officer authorized to make ſuch requiſition.

Papers and accounts to be furniſhed to all perſons authorized to require them.

VII. All acts and proceedings of Collectors ſhall be held and done publicly: that is to ſay, in open cutcherries acceſſible to all perſons.

All acts of Collectors to be public.

VIII. Collectors ſhall adminiſter the public revenues to the advantage of the ſtate; the happineſs of the people; and the proſperity of the country; and ſhall ſuggeſt ſuch propoſitions to the Board of Revenue as, in their judgement, may be calculated to augment, and improve thoſe revenues.

Principles on which the revenues are to be adminiſtered.

IX. Collectors have had, and are hereby declared to have authority to ſuperintend and control, under the orders of the Board of Revenue, all perſons employed in the executive adminiſtration of the public revenue; all zemindars, or proprietors of land paying revenue; and all farmers, ſecurities, ryots, or other perſons concerned in, or reſponſible for, any part of the revenue to Government, as far as the ſaid ſuperintendence and control may relate to the executive adminiſtation of the revenue, under the regulations now enacted, or to be hereafter enacted.

Collectors to have control over all perſons employed under them, and over perſons paying revenue or otherwiſe concerned in the revenue.

X. Collectors

Collectors to use a seal of Office.

X. Collectors shall use, in the transaction of official business, a circular seal one inch and an half in diameter, bearing in the English and Persian languages, and in the language of the zillahs respectively, this inscription——

Inscription of the seal.

"The Seal of the Collector of the Zillah of———"

Collectors to transmit diaries of their proceedings to the Board of Revenue.

XI. Collectors shall keep diaries of their proceedings in the English language. The Diaries shall contain a record of every official transaction of the Collector, and shall be forwarded to the Board of Revenue for each month, on the 15th day of the succeeding month.

The public money, how to be kept by them.

XII. Collectors shall keep the public money in a strong chest secured with two locks of different constructions: the key of one lock shall be kept by the Collector, and the key of the other lock shall remain in the possession of the public shroff.

A jummabundy and kistbundy of land revenue, permanently assessed, to be furnished to the Board of Revenue.

XIII. Collectors of revenue in districts where a permanent assessment of the lands may have been fixed, shall transmit to the Board of Revenue, within one month after the expiration of each fusly year, in a form to be approved by the Board of Revenue, a jummabundy and kistbundy statement of the permanent revenue assessed on each zemindary or estate into which the districts have been divided, or sub-divided, by the operation of the regulations; with an account subjoined of the amount of other items of revenue, whether rented or under the Collector's management; noting in the one case the amount of the rent, and in the other the expected amount of collections.

An account of other items of revenue to be subjoined.

Collections of the revenue to be made with regularity.

XIV. Collectors shall be careful that proprietors of land, on whose estates the land revenue has been permanently fixed, and

and farmers of land, regularly discharge their taxes and rents, agreeably to the kistbundy; and in the event of a proprietor, or farmer of land falling in arrear, Collectors shall proceed to recover such arrear in the mode prescribed by the regulations already passed, or to be hereafter passed for that purpose.

Persons deputed to attach estates to be furnished with written powers.

XV. Collectors shall furnish the person or persons deputed by them to attach estates in pursuance of a degree of a court of judicature, or for an arrear of revenue, with sunnuds of appointment; and with written instructions under their seal and signature.

The assessment on all lands, to be sold or transferred, to be apportioned by the collectors.

XVI. Collectors shall apportion the assessment on lands, which may be ordered to be disposed of by public sale for the discharge of arrears of revenue, or in pursuance of a decree of a court of judicature; or which may be transferred, in the manner allowed by the regulations, from one individual to another.

Collectors to be responsible for apportioning the assessment on all subdivisions of estates; and how to regulate the rate thereof.

XVII. Collectors shall be held responsible for justly and equitably apportioning the permanent assessment on all sub-divisions of estates, and the amount of such assessment shall be regulated, at a rate proportionate to the value which such subdivisions of estates bear to the gross assets of the whole estate.

To furnish the proprietors with the amount so apportioned.

XVIII. Collectors, at the time they transmit statements of the public assessment so apportioned on sub-divisions of estates for the consideration of the Board of Revenue, shall furnish the proprietors of the estates in question with the amount of the assessment so apportioned: and where the proprietors may object and appeal from the assessment proposed by the Collectors for the sub-divisions of the said estate, Collectors shall immediately forward the same, with their remarks, to the Board of Revenue.

Any appeal therefrom to be immediately forwarded to the Board of Revenue.

XIX. Collectors

Care to be taken that the conditions of sale shall specify any particular obligation not included in the general conditions of sale.

XIX. Collectors shall be careful to specify in the conditions of sale, (exclusively of the general conditions of sale as prescribed by the regulations) any particular obligation which may happen to fall on the purchaser of a sub-division of, or of an entire, estate declared for sale.

All attachments of land to be immediately reported to the Board of Revenue.

XX. Collectors on receipt of a decree of a court of judicature ordering land paying revenue to Government to be sold, shall proceed to attach a sufficient portion of the said lands to answer the amount of the decree, in such mode as may be prescribed for recovery of arrears of revenue by the regulations; and shall immediately report such attachment to the Board of Revenue.

Rules to be observed by Collectors in attaching portions of estates.

XXI. In attaching portions of estates for arrears of revenue, or in consequence of a decree of a court of judicature; Collectors shall be careful to form the sub-divisions compact, selecting such villages and lands as may be situated contiguously to each other. Collectors shall moreover have in view the nature of the soil, and available resources of the different lands, and shall be careful to include, as nearly as may be practicable, equal portions of land with contracted means of improvement, and of lands with extensive means of improvement.

In forming sub-divisions, the lands watered by one tank to be preserved in the same sub-division.

Deviation therefrom to be reported.

XXII. In forming sub-divisions of estates, Collectors shall be careful to preserve all the lands watered by one tank or water-course, in the same sub-division: and where it may be necessary to deviate from this rule, Collectors shall fully explain such necessity to the Board of Revenue, and wait the orders of the Board on their reference, previously to concluding the arrangement.

XXIII. Collectors

XXIII. Collectors shall keep registers of all sub-dvisions of estates, and of all transfers of landed property, in a form to be submitted to, and to be approved by, the Board of Revenue.

Registers of all transfers of land to be kept.

XXIV. Collectors shall keep in a form to be approved by the Board of Revenue, registers of all alienated lands paying revenue to Government, or exempt from the payment of public revenue: the registers shall be kept in the mode and manner prescribed by the regulations already passed, or to be passed for that purpose.

Registers of all alienated lands to be kept.

XXV. Collectors shall manage the estates of disqualified land-holders in the manner prescribed by the regulations, or agreeably to such special orders, as they may receive in particular cases from the court of wards.

The estates of disqualified land-holders how to be managed.

XXVI. Collectors shall collect the revenue arising from lands held Khas, in such manner as may be directed by the Board of Revenue.

The Collection of the revenue of Khas lands, how to be made.

XXVII. Collectors shall report to the Board of Revenue whenever it may come to their knowledge, that lands are held under invalid titles; and on receiving the orders of the Board of Revenue, shall proceed to prosecute the holders of such lands, in the mode and manner prescribed by the regulations.

All lands held under invalid titles, to be reported to the Board of Revenue.

XXIII. Collectors shall receive for the trouble of prosecuting the holders of lands under invalid titles, a compensation equal to twenty five per cent on the amount of the annual jummah, which may be assessed in perpetuity on lands, which may be recovered by the decree of a court.

Compensation to be received by Collectors for the recovery of such lands.

XXIX. Collectors

Such compensation to be paid only to Collectors prosecuting to final decision.

XXIX. Collectors prosecuting to a final decision shall receive the compensation. Collectors instituting suits for the recovery of alienated lands, but leaving the zillahs before final decisions may be passed, shall not be entiled to such compensation.

Lands for pensioners and invalids, how to be procured by Collectors.

XXX. Collectors shall procure lands for native pensioners and invalids, agreeably to the regulations prescribed for that purpose.

Collectors are to levy the assessment for the payment of the police department, according to regulations or according to orders.

XXXI. Collectors shall collect the assessments that may be ordered to be levied for the payment of the department of police, agreeably to the regulations enacted for that purpose, or agreeably to the orders of the Board of Revenue, in cases where the said Board may have authority to issue such orders.

How the items of revenue, exclusively of the land tax, are to be collected.

XXXII. Collectors shall collect the revenue arising from sayer, salt, spirituous liquors, or from other sources, in the manner prescribed by the regulations; or in such manner as may be directed by the Board of Revenue, in cases subject to their authority.

Collectors to grant receipts for all payments of revenue.

XXXIII. Collectors shall grant receipts for all payments made into their treasury on account of the public revenue; which receipts shall specify the date of payment; the coin in which payment may be made; and the amount of such receipts shall be written in the English language, and in the language of the zillah; and shall be registered and numbered in both languages by the keepers of the records: the date of registry shall be endorsed on the back of each receipt.

What the receipts are to specify.

The receipts to be registered.

Copy of the register to be sent, monthly, to the Board of Revenue.

XXXIV. Collectors shall transmit on the 15th of each month, to the Board of Revenue, copies of the register of receipts for the preceding month.

XXXV. Collectors

XXXV. Collectors shall compel the tehseeldars, or other officers employed under them in the collection of the revenue, to grant receipts for monies received by them; and to transmit monthly registers of the receipts so granted: the receipts granted by the tehseeldars, or other officers employed in the collection of money, shall contain all the items above specified.

Officers employed under the Collectors in the collection of the revenue, to be compelled to grant similar receipts for the money received by them.

XXXVI. The appointment and dismissal of native public servants, with the exception of the keepers of the records in the native languages, shall be in the Collectors. Collectors shall employ none but the public registered servants in the conduct of public business; and Collectors shall not employ public registered servants in the transaction of private business.

The appointment and dismissal of native servants vested in the collectors.

Public servants not to be employed in private, or private servants in public business.

XXXVII. Collectors shall have authority to enforce obedience to their orders, by levying a fine upon public servants disobeying or neglecting such orders; provided that in no instance the amount of the fine shall exceed one month's pay.

Authority to fine native servants given to Collectors.

XXXVIII. In districts where the land tax may not have been permanently fixed, Collectors shall investigate with care and with attention, the rules which have immemorially guided the assessment of the public revenue.

In districts where the land tax is not fixed, the rates of assessment to be investigated.

XXXIX. Collectors shall state the result of their investigation to the Board of Revenue: and shall regulate their demands on the ryots, on principles of moderation, and with a just regard to the rights of Government; to the rights of the people; and to the prosperity of the country.

Result thereof to be reported to the Board of Revenue, and how the demands on the ryots are to be regulated.

XL. Collectors, in districts where the rent may not have been permanently fixed, shall not encrease or diminish the rates

The rates of waram or of quit rent, not to be altered without permission.

rates of warrum or rates of quit rent, without permission being first had and obtained, from the Board of Revenue, for that purpose.

All unauthorized alienations of land to be reported to the Board of Revenue, and not to be resumed without authority.

XLI. In districts where the land tax may not have been permanently fixed, Collectors shall report to the Board of Revenue all unauthorized alienations of land, with every circumstance relating to such land; but Collectors shall not resume alienated lands, without authority from the Board of Revenue.

Zemindars, poligars, land-holders, or resident inhabitants, not to be removed from their lands or offices, without the authority of the Board of Revenue.

XLII. Collectors, in districts where no zillah court may have been erected, shall not remove zemindars from their lands, poligars from their offices, or deprive the resident inhabitants of their usufructuary right in the soil, without previous authority from the Board of Revenue.

Collectors not to grant cowles without authority.

XLIII. Collectors shall not grant cowles of any description, without authority from the Board of Revenue; and all cowles granted by Collectors shall contain the dates of the authority of that Board.

Cannot authorize the alienation of land.

XLIV. Collectors shall not, in any case, authorize the alienation of land, without authority from the Board of Revenue.

Regular troops not to be employed in the collection of the revenue.

XLV. Collectors shall not be permitted to employ regular sepoys in the collection of the revenue; whenever the assistance of regular sepoys may be necessary to quell disturbances, or for other public purposes; Collectors shall transmit written requisitions to the commanding officers of the nearest military post, specifying the nature of the service, which the troops will be required to execute: the strength of the detachment shall be determined by the commanding officer.

Forms to be observed when their assistance is required.

XLVI. Whenever

XLVI. Whenever Collectors may make requisitions for sepoys under the foregoing clause; they shall, within twenty four hours after such requisition has been made, transmit advice thereof to the Board of Revenue; and shall assign their reasons for making such requisition at length. Every such requisition to be reported to the Board of Revenue, with reasons therefor.

XLVII. In districts where no zillah court may have been erected, Collectors shall have authority to hear, try, and determine causes of a civil nature. Collectors, in such cases shall administer strict and impartial justice to all ranks of people, and shall keep registers in the English language of all petitions, and, of their proceedings and decisions on all complaints, in the following form. Collectors vested with civil jurisdiction, where there may be no zillah Court. To keep a register of their proceedings in civil cases.

*Form of the Register of Petitions.*

| *Number of the Petition.* | *Date of receipt.* | *Names of the parties in the cause.* | *Subject of Complaint.* | *Date of proceedings and of decision.* | *Progress of Enquiry and Decision.* |
|---|---|---|---|---|---|
| 1 | | Tondary moodely of——— *versus* Ragaviah and Sambiah, of——— | A House and Garden situated in——— Valued at Star Pagodas | ,, <br> ,, | Defendants in the cause summoned. <br> Decision. |

XLVIII. Collectors

Examinations to be taken in writing, and to be subscribed by the parties.

XLVIII. Collectors empowered to try civil suits shall take examinations in writing, and shall make the parties examined, after interpretation of the contents of such examinations, subscribe their names thereto.

Copies of the register of petitions to be sent to the Board of Revenue.

XLIX. Collectors shall transmit to the Board of Revenue, quarterly, copies of their registers of petitions; and in the form above prescribed.

The parties may be furnished with copies of the decisions on their causes.

L. In districts where no zillah court may have been erected, the Collectors shall, whenever application may be made by the parties in a suit, furnish such parties with copies of the decisions passed in their suits respectively.

Collectors to receive all complaints of ryots against public servants.

If well founded to grant redress.

If ill founded, to punish the complainants.

Complaints of ryots in no case to be referred to the party complained against.

LI. Collectors shall receive and investigate, in zillahs where courts of judicature may not have been erected, all complaints preferred by ryots against renters, or public servants, or other persons; and where such complaints may be proved to be well founded, the Collectors shall compel the party committing the injury to afford redress: where the complaint may be proved to be litigious and ill founded, the Collectors shall compel the party complaining to make suitable reparation to the defendant for the injury sustained by the latter, in consequence of such false or litigious complaint; and shall further punish the plaintiff, in cases where Collectors may deem such further punishment necessary, or proper, by levying a fine from the plaintiff proportioned to the circumstances of the case; or by confinement of his person: but Collectors shall not in any case refer complaints preferred by ryots against renters or public servants, to such renters or public servants.

LII. Collectors

LII. Collectors shall publish throughout the districts in which no zillah court may have been erected, that all petitions must be regularly signed and dated, and presented in the first instance, to the Collectors. Collectors shall publish that an appeal from their decision lies to the Board of Revenue, but that the Board of Revenue will not receive petitions, unless presented to the Collectors in the first instance; unless such petition shall contain a complaint of an unjust decision, or an act of personal injustice on the part of the Collector, which the complainant is prepared to verify on oath, and to substantiate by evidence.

Publication to be made, that all petitions must be signed and dated, and be in the first instance presented to the Collector; but that an appeal lies to the Board of Revenue.

LIII. Where Collectors may dismiss petitions, without going into an investigation of their complaints, on the ground that the complaints are inadmissable, Collectors shall record on the back of the petition, the cause of such dismission; in order that the Board of Revenue may have the means of deciding on the case, if the petitioner shall appeal to them.

Forms to be observed by Collectors in dismissing petitions of complaint, without investigation.

LIV. Collectors shall receive every representation or application made to them relating to any matter of revenue, and shall record their proceedings thereon: where such petition or representation shall be dimissed, Collectors shall record their reasons for dimissing it, and acquaint the party by whom such petition or representation may have been preferred, that it is in his option to appeal from the decision passed, to the Board of Revenue.

Forms to be observed by Collectors, in receiving or dismissing representations relative to any matter of revenue.

LV. Collectors refusing, or unnecessarily delaying to give petitioners a hearing, shall be considered to be guilty of a breach of public duty; and punished accordingly, by fine or suspension from office, at the discretion of the Board of Revenue.

Consequences of refusing or delaying to give petitioners a hearing.

LVI. In

Collectors to have the control of the police, and to act as magistrates in districts where no zillah court is established.

LVI. In districts where no zillah court has been established, Collectors shall have the superintendence and control of the police, and shall act as magistrates in their respective districts, in the same manner as judges of the zillah courts are appointed to act as magistrates of their respective zillahs.

How to be guided in the discharge of their duties, as magistrates.

LVII. In discharging the duties of magistrate, in districts where no zillah court has been established, Collectors shall be guided by the principles of the regulations; to which principles, Collectors shall conform, as far as it may be practicable for them to conform, under the existing circumstances of their respective districts.

To take the oath of qualification as justices of the peace.

LVIII. Collectors, in districts where no zillah court has been established, shall take the oath of qualification to act as justices of the peace, as prescribed to be taken by the judges of zillahs.

Collectors to make no advances of money, without the authority of Government.

LIX. Collectors shall not make disbursements of public money for advances for cultivation, or repairs of tanks, or for any other purposes, without having previously obtained, through the channel of the Board of Revenue, the authority of the Governor in Council for such disbursement.

Collectors and Assistants not to be concerned in any farm of the public revenue, or to permit their native servants so to be concerned.

LX. Collectors, and Assistants to Collectors, shall not be concerned, directly or indirectly, in any farm of the public revenue, either as renters, securities, or otherwise. Collectors or Assistants to Collectors shall not permit their native servants to be concerned, directly or indirectly, in any rent or farm of the public revenue, or to be security for any farmer, or renter of lands, on which the rent may not have been permanently fixed.

LXI. Collectors

LXI. Collectors, and Assistants to Collectors, shall not lend money, directly or indirectly, to proprietors of land, renters, or persons responsible for the revenue, or in any way concerned in the management of the public revenue. Not to lend money to any person concerned in the revenue.

LXII. Collectors shall not grant lands in farm to Europeans, or descendants of Europeans, either directly or indirectly. Collectors shall not accept the security of Europeans, or descendants of Europeans, for proprietors or renters of land, or for farmers of the public revenue. Not to grant lands in farm to Europeans or their descendants, or to accept them as securities.

LXIII. Collectors, and Assistants to Collectors, shall not occupy ground nor erect buildings thereon, without the sanction of the Board of Revenue. Not to occupy grounds, or to erect buildings, without sanction.

LXIV. Collectors, and Assistants to Collectors, shall not exercise or carry on trade or commerce directly, or indirectly; and shall not be engaged in any bank, or house of agency. Not to be concerned in any trade.

LXV. Collectors shall not publish proclamations, or orders, which may in any shape affect the intercourse of the British nation with foreign states, without an express order from the Governor in Council for that purpose. Not to publish any thing which may affect the intercourse of the British nation with foreign states.

LXVI. Collectors and Assistants to Collectors shall (in cases requiring it) apply to the Board of Revenue for temporary leave of absence from their station. Collectors, or Assistants to Collectors, shall not absent themselves from their stations without having previously obtained the permission of the Board of Revenue. In the event of severe illness compelling a Collector to quit their stations, without such authority, on the affidavit of medical persons with respect to the necessity of such absence, To whom to apply for leave of absence from their station.

they

they ſhall deliver charge of their diſtricts to the Head Aſſiſtant on the ſpot, and ſhall report the circumſtance without delay to the Board of Revenue.

Head Aſſiſtant to have charge in the Collector's abſence.

LXVII. In the abſence of Collectors, the ſenior Aſſiſtant on the ſpot ſhall take charge of the public buſineſs.

Collectors on being removed, or reſigning, to deliver over all public documents to their ſucceſſors, with duplicate liſts thereof.

LXVIII. On the reſignation or removal of Collectors, they ſhall deliver to their ſucceſſors or aſſiſtants, every public account and document with all original letters received, and atteſted copies of all letters ſent, relative to their charges reſpectively. Collectors ſhall certify officially, duplicate liſts of ſuch accounts and documents, and ſhall deliver one liſt to their ſucceſſors or aſſiſtants, and ſhall forward the other liſt to the Board of Revenue.

Liſts how to be diſpoſed of.

Collectors on receiving charge to count the balance of caſh, and grant receipts in duplicate.

LXIX. Collectors on receiving charge ſhall count the balance of caſh delivered to them, and ſhall grant receipts for the amount in duplicate: one receipt ſhall be retained by the perſon delivering over charge, and the other ſhall be tranſmitted to the Board of Revenue.

Receipts how to be diſpoſed of.

# A. D. 1803. REGULATION III.

# A REGULATION

FOR DEFINING AND DECLARING THE EXTENT

OF THE

*JURISDICTION OF THE COURTS OF ADAULUT*

ESTABLISHED, OR TO BE ESTABLISHED,

IN SUCH PART OF THE

## BRITISH TERRITORIES

SUBJECT TO THE PRESIDENCY OF

## FORT ST. GEORGE,

*AND DENOMINATED THE NORTHERN CIRCARS,*

AS LIES NORTH OF THE RIVER KISTNAH;

AND FOR EXTENDING THE JURISDICTION

OF THE

## ZILLAH COURT OF GUNTOOR,

TO SUCH PART OF THE

## NORTHERN CIRCARS

*As lies South of the River Kistnah.*

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 18TH OF MARCH 1803.

# A. D. 1803. Regulation III.

A REGULATION *for defining and declaring the extent of the Jurisdiction of the Courts of Adaulut established, or to be established, in such parts of the British territories subject to the Presidency of Fort St. George, and denominated the Northern Circars, as lies north of the river Kistnah; and for extending the jurisdiction of the Zillah Court of Guntoor, to such part of the Northern Circars, as lies south of the river Kistnah.*

WHEREAS, it is provided by Regulation II. 1802, that Courts of Adaulut shall be established in the Zillahs of Rajahmundry, Masulipatam, Cocanada, Muglatore, Vizagapatam, Vizianagrum, Chicacole, and Ganjam; and whereas, the extent and position of the territories denominated the Northern Circars render inexpedient the establishment of a Court in each of the said districts; and whereas, it is requisite that the jurisdiction of the Zillah Court of Guntoor should be extended; the Governor in Council is pleased to pass the following regulation for those purposes.

II. Four Courts of Adaulut shall be established in the Northern Circars situated north of the Kistnah, and shall be denominated

Four Courts of Adaulut to be established in the Northern Circars, north of the Kistnah.

minated after the Zillah in which they are respectively established, as follows.

MASULIPATAM.
RAJAHMUNDRY.
VIZAGAPATAM.
GANJAM.

Jurisdiction of the Court at Masulipatam defined.

III. The jurisdiction of the Zillah Court of Masulipatam, shall extend to all civil suits which may arise in the districts and places which are, or may be included, within the limits heretofore described by the third division of Masulipatam, according to the extent of the said limits, as they are now understood and respected under the authority of the different Collectors; excepting only the districts and places situated south of the river Kistnah.

Jurisdiction of the Court at Guntoor extended.

IV. The jurisdiction of the Zillah Court of Guntoor, shall be extended to all civil suits, which may arise in the districts and places hitherto within the limits of that part of the third division of Masulipatam, situated south of the river Kistnah.

Jurisdiction of the Court at Rajahmundry defined.

V. The jurisdiction of the Zillah Court of Rajahmundry, shall extend to all civil suits which may arise in the districts and places that are, or may be included, within the limits of the first and second division of Masulipatam, according to the extent of the said limits as they are now understood and respected, under the authority of the different Collectors.

Jurisdiction of the Court at Vizagapatam defined.

VI. The jurisdiction of the Zillah Court of Vizagapatam shall extend to all civil suits which may arise in the districts and places which are, or may be included, within the limits of the first and second divisions of Vizagapatam; and within the

limits

limits of ſuch part of the third diviſion of Vizagapatam, as lies ſouth of the river diſemboguing into the ſea at Maphuz Bunder.

VII. The juriſdiction of the Zillah Court of Ganjam ſhall extend to all civil ſuits which may ariſe in the diſtricts and places that are, or may be included, within the limits of the province of Ganjam, as thoſe limits are now underſtood, and within the limits of that part of the third diviſion of the Vizagapatam diſtrict, lying north of the ſouthern branch of the river diſemboguing into the ſea at Maphuz Bunder. Juriſdiction of the Court at Ganjam defined.

VIII. Such part of any exiſting regulation as may be contrary to this regulation, is hereby reſcinded. Any thing contrary to this regulation reſcinded.

# A. D. 1803. REGULATION IV.

# A REGULATION

FOR SUSPENDING,

IN THE PROVINCE OF MALABAR,

THE FUNCTIONS OF THE

FOUZDARRY ADAWLUT

ESTABLISHED FOR THE PROVINCE OF

MALABAR, CANARA,

AND

*SOONDA-BALAGHAUT.*

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 15TH OF APRIL 1803.

# A. D. 1803. Regulation IV.

A REGULATION *for suspending, in the province of Malabar, the functions of the Fouzdarry Adawlut established for the provinces of Malabar, Canara, and Soonda-Balaghaut.*

WHEREAS divers inhabitants of the province of Malabar regardless of their own interests, and of the benevolent care of the British Government for the welfare of its subjects, have suffered themselves to be led away by the counsels of evil disposed persons, and have tumultuously assembled and committed irregularities whereby the tranquillity of the province has been disturbed, and the lives and properties of the peaceable and well-disposed have been endangered; and whereas, notwithstanding the establishment of a Fouzdarry Adawlut for the trial of persons accused of having committed criminal offences, the disturbances have not ceased, but have encreased to the alarming height of open rebellion against the Government, rendering the ordinary process of a criminal court no longer efficient for the purposes of its establishment, and requiring that the hands of the executive authority should be strengthened by the institution of summary measures for suppressing

preſſing the rebellion ; the Governor in Council is pleaſed to paſs the following regulation for the temporary ſuſpenſion of the functions of the Fouzdarry Court in the province of Malabar.

Functions of the Fouzdarry Adawlut eſtabliſhed for the diviſion of Malabar ſuſpended in that province.

II. The powers veſted in the Fouzdarry Adawlut eſtabliſhed for the provinces of Malabar, Canara, and Soonda-Balaghaut, ſhall be ſuſpended in the province of Malabar, and the Fouzdary Adawlut ſhall accordingly diſcontinue the exerciſe of its functions in that province, during the time that this regulation ſhall remain in force.

This ſuſpenſion not to affect the juriſdiction of the court over the provinces of Canara, and Soonda-Balaghaut.

III. The ſuſpenſion of the functions of the Fouzdarry Adawlut in the province of Malabar, ſhall not be conſidered to affect its juriſdiction over the provinces of Canara, and Soonda-Balaghaut in any reſpect ; but the Court ſhall continue to have the ſame juriſdiction, and to exerciſe the ſame powers in the provinces of Canara and Soonda-Balaghaut, as were veſted in the ſaid Fouzdarry Adawlut previouſly to the publication of this regulation.

# A REGULATION
FOR REMOVING
## THE COURT OF APPEAL
*ESTABLISHED AT*
# *MADURA,*
TO
# TRICHINOPOLY.

PASSED BY THE
GOVERNOR IN COUNCIL
*OF FORT ST. GEORGE,*
ON THE 22D OF APRIL 1803.

# A. D. 1803. Regulation V.

A REGULATION *for removing the Court of Appeal eſtabliſhed at Madura to Trichinopoly.*

WHEREAS it is provided by Regulation XXIV. 1802, that the Provincial Court of Appeal for the diviſion of the Southern Provinces ſhall be eſtabliſhed at Madura; and whereas it is expedient for the convenience of the public buildings for the uſe of the ſaid Court, that the Court of Appeal eſtabliſhed at Madura ſhould be removed to Trichinopoly; the Governor in Council is pleaſed to paſs the following Regulation for that purpoſe.

II. The Provincial Court of Appeal eſtabliſhed at Madura, ſhall be removed to Trichinopoly. Court of Appeal eſtabliſhed at Trichinopoly.

III. Such part of any exiſting Regulation as may be contrary to this Regulation, is hereby reſcinded. Any part of a Regulation contrary to this reſcinded.

# A. D. 1803. REGULATION VI.

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## A REGULATION

FOR EXTENDING THE JURISDICTION

OF THE

ZILLAH COURT OF CHINGLEPUT,

OVER THE ZEMINDARIES OF

VENCATAGHERRY, CALASTRY,

BOMRAUZEPOLLAM, AND SYDAPOUR.

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 22D OF APRIL 1803.

# A. D. 1803. Regulation VI.

A REGULATION *for extending the jurisdiction of the Zillah Court of Chingleput over the Zemindaries of Vencatagherry, Calastry, Bomrauzepollam and Sydapour.*

WHEREAS by Regulation XXXVI. 1802, it is declared that the jurisdiction of the Zillah Court of Chingleput shall extend to all causes and suits which may arise in the districts and places within the lands commonly called the Company's Jagheer; and whereas the revenues of the Zemindaries of Vencatagherry, Calastry, Bomrauzepollam and Sydapour, having been permanently settled, it is expedient to extend to those Zemindaries the protection of the said Court, under the regulations enacted by the Governor in Council; wherefore the Governor in Council is pleased to pass the following regulation for that purpose.

II. The jurisdiction of the Zillah Court of Chingleput shall be extended to all causes and suits which may arise in the districts and places included in the Zemindaries of Vencatagherry, Calastry, Bomrauzepollam, and Sydapour.

Jurisdiction of the Court at Chingleput to be extended over the Zemindaries of Vencatagherry, Calastry, Bomrauzepollam, and Sydapour.

III. Such part of any existing regulation as may be contrary to this regulation, is hereby rescinded.

Any regulation contrary to this rescinded.

# A. D. 1803. REGULATION VII.

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# A REGULATION

FOR ESTABLISHING

## A ZILLAH COURT AT

## *RAMNAD,*

AND FOR DEFINING THE

## LIMITS OF ITS JURISDICTION.

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 27TH OF MAY 1803.

# A. D. 1803. Regulation VII.

A REGULATION *for establishing a Zillah Court at* **Ramnad** *and for defining the limits of its Jurisdiction.*

WHEREAS the revenues of the Zemindaries of Ramnad, Shevagunga, and of the lands heretofore called the Pollams of Tinnevelly, having been permanently settled, it is expedient that a Zillah Court shall be established for the protection of these Zemindaries, conformably to regulation II. of 1802, and that the limits of the jurisdiction of such Zillah Court shall be defined; wherefore the Governor in Council is pleased to pass the following Regulation for that purpose.

II. A Zillah Court shall be established at Ramnad under the provisions contained in Regulation II. of 1802. Zillah Court established at Ramnad.

III. The jurisdiction of the Zillah Court at Ramnad, shall extend to all causes and suits which may arise in the districts and places included within the lands comprized in the Zemindaries of Ramnad, Shevagunga, Ettiapour, Shevagerry, Wootamaly, Chokumputty, Pareyoor, Talevencottah, Cadumboor, Pauvaly, Gollaputty, Yailmurrah, Allagapoory, Nadavacourchy, Maniachy, Soorundy, Chinnulgoody, Mailmundah, Jurisdiction of the Court defined.

Autungerry,

Autungherry, Sundeyoor, Woorcaud Singumputty Manarcotah, Auvadypoorum, Shattoor, Sapatoor, Colluncondum, Yellarumpunny, Collarputty Naglepoorum, as they are now conſtituted.

Any part of a regulation contrary to this reſcinded.

IV. Such part of any exiſting regulation as may be contrary to this regulation, is hereby reſcinded.

# A REGULATION

FOR DECLARING THE

*POLIGARS OF THE JAGHEER NOT AMENABLE*

TO THE ZILLAH COURT OF CHINGLEPUT

FOR DEBTS CONTRACTED IN THEIR

OFFICIAL CAPACITY AND FOR APPROPRIATING

*A FUND FOR THE PROPORTIONATE*

LIQUIDATION OF SUCH DEBTS.

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 5TH AUGUST 1803.

# A. D. 1803. Regulation VIII.

A REGULATION *for declaring the Poligars of the Jagheer not amenable to the Zillah Court of Chingleput for debts contracted in their official capacity, and for appropriating a fund for the proportionate liquidation of ſuch debts.*

WHEREAS certain Poligars, within the limits of the Honorable Company's Jagheer, have heretofore poſſeſſed certain lands, and other advantages, of a pecuniary nature, ſubject (according to the former inſtitutions of the Country, for the regulation of the police) to the duty of watching the property of the reſident inhabitants, and of protecting, alſo, the property of travellers; and whereas the terms of the tenure provided that the ſaid Poligars ſhould be anſwerable for the value of goods, ſtolen within their reſpective ranges, on failure of producing the actual perpetrators of the robbery or the goods ſo ſtolen: and whereas the ſaid Poligars ſtand at this time amenable, to ſundry perſons, for debts contracted under the conditions above deſcribed; and whereas the ill conduct of the Poligars in this and other reſpects, had rendered it expedient for the Government

Government to deprive them of the ſaid lands, and other advantages, at a time antecedent to the eſtabliſhment of the Zillah Court in the Jagheer; and whereas the ſaid lands and other advantages having been adminiſtered by the Officers of Government, an account has been rendered by which it appears to the conviction of Government, that the balance of money now in hand, together with the other property of the ſaid poligars, is inſufficient to diſcharge the debts contracted by them, in the manner above deſcribed; and whereas it has been judged for the good of the ſtate to aboliſh, entirely, the tenure of the poligars, within the Jagheer, and to make other proviſion for the adminiſtration of the police, in conſequence of which, the lands, and other advantages, heretofore allotted to the Poligars, have been finally withdrawn, from their poſſeſſion; and whereas in conſideration of the deſtitute condition, poverty, and diſtreſs, to which the ſaid Poligars would have been reduced, Government has, of its own free will and generoſity, granted certain lands and penſions to the ſaid Poligars, to ſerve as the means of ſupporting themſelves, and their families; and whereas the intention of the ſaid donation would be fruſtrated, and the ſaid Poligars would be liable to abject diſtreſs, if the property, now veſted in them ſubſequently to the erection of the Zillah Court of Chingleput, ſhould be rendered amenable, for the debts contracted as above ſtated, in their official capacities, previouſly to the eſtabliſhment of the ſaid Court; wherefore the Right Honorable the Governor in Council has paſſed the following Regulation, for the purpoſe of preventing the ſaid inconvenience; and of liquidating the aforeſaid debts, to the extent of the property now actually forthcoming.

Poligars of the Jagheer not amenable to the Zillah Courts for debts contracted in their official capacity.

II. Perſons holding, heretofore, the office of Poligar in the Jagheer, ſhall not be amenable, before the Courts of Judicature, for debts contracted, directly, or indirectly, for, or on account of

of the reſponſibility attached to the ſaid office of Poligar; and perſons inſtituting ſuits for the recovery of debts ſo contracted, omitting to ſtate in the bill of complaint, that the debts were ſo contracted, ſhall, on due proof, be non-ſuited with full coſts.

Perſons inſtituting ſuits for ſuch debts omitting to ſtate that they were ſo contracted to be non-ſuited with coſts.

III. But perſons, although they may have heretofore held the office of poligar in the Jagheer, ſhall continue to be amenable before the Courts of Judicature, for all ſuch debts as they may have contracted, or may yet contract, in their capacity of private individuals, unconnected with their former official duties.

Poligars of the Jagheer ſtill amenable to the Zillah Courts for private debts.

IV. The fund ariſing from the ſequeſtration of the lands, and other advantages, of the perſons, heretoſore, holding the office of poligar, in the Company's Jagheer, ſhall be appropriated to the liquidation of the debts, contracted by the ſaid Poligars, on account of their official reſponſibility, in the manner following; that is to ſay—The total amount of the fund ariſing from the lands, and other advantages, ſequeſtered, as above ſtated, ſhall conſtitute the general, and only fund, for liquidating the total Amount of the claims, and debts contracted on this account; and each debt, or claim, ſhall be paid from the ſaid fund in the proportion relatively to the total amount of the debts, and claims, which the total amount of debts, and claims, may bear to the total amount of the aſſets now forthcoming.

Fund appropriated to the liquidation of the debts contracted by the Poligars on account of their official reſponſibility.

In what manner.

V. Creditors of the Poligars, on account of debts contracted in their official capacity, ſhall ſubſtantiate their demands in like manner, as demands for any other debts before the Court of the Zillah of Chingleput; provided that the ſaid demands ſhall be preferred within twelve calendar months from the date of this Regulation; any claim, preferred after the expiration of the ſaid twelve calendar months, ſhall be rejected without enquiry.

Creditors how to ſubſtantiate the debts.

VI. The

The Collector of the zillah to render true and faithful accounts of the monies arising from the lands &c. of the Poligars.

VI. The Collector of the Zillah shall render a true, and faithful account of the monies arising from the lands, and other advantages of the poligars heretofore sequestered; and the said Collector shall pay the amount of the said monies into the court of the Zillah of Chingleput.

To pay the amount into the court.

The said monies to be distributed proportionately to the creditors.

VII. The said monies shall be distributed, proportionately to the creditors, in the manner above described, by virtue of a decree to be passed for that purpose, by the Court of the Zillah of Chingleput.

# A. D. 1803. REGULATION IX.

# A REGULATION

FOR LEVYING A DUTY

*ON THE IMPORTS AND EXPORTS OF MERCHANDIZE*

## BY SEA

## AT THE PORT OF MADRAS;

For determining the amount of Duty

AND FOR DEFINING THE RULES UNDER

which that Duty ſhall be collected.

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 12TH OF AUGUST 1803.

# A. D. 1803. Regulation IX.

*A REGULATION for levying a duty on the imports and exports of Merchandize by Sea at the Port of Madras; for determining the amount of duty; and for defining the rules under which that duty ſhall be collected.*

WHEREAS it is provided by Section II. Regulation I. 1802, that the rules and orders of the Governor in Council, for the impoſition or levying of taxes, or of duties on commerce, ſhall be framed into a Regulation and printed and publiſhed; and whereas it has become expedient to modify and ſimplify, the Regulations under which a duty on imports and exports of Merchandize, at the port of Madras, is now collected; and to provide for the enforcement of the Regulations, ſo modified, under the protection of a Court of Juſtice; by rendering the Revenue Officers, employed in the collection of the duty, amenable to the Zillah Court eſtabliſhed at Chingleput; for all acts done contrary to this Regulation; Wherefore the following rules have been enacted by the Governor in Council to take effect and be in force on and after the firſt day of October 1803.

II.

A duty to be levied on imports and exports.

II. A duty ſhall be levied on Goods imported or exported by Sea, at the Port of Madras, under the reſtrictions and proviſions contained in this Regulation.

By whom to be collected.

III. The duty ſhall be collected by a Covenanted Servant of the Company, who ſhall be ſtyled "Collector of Cuſtoms" at Madras.

Hours of buſineſs.

IV. The Cuſtom Houſe ſhall be open, for the tranſaction of buſineſs, every day (Sundays excepted) from ten O'Clock in the morning till four o'Clock in the Afternoon.

Tarif to be eſtabliſhed.

V. *Firſt.* A Tarif of the average market wholeſale prices of all commodities ſhall be eſtabliſhed, on the moſt equitable grounds, and on the moſt accurate information; the Tarif ſhall be formed by the Collector of Cuſtoms under the Orders of the Board of Revenue ſubject to the confirmation of the Governor in Council.

Where kept.

*Second.*—The Tarif ſhall be open, at the Cuſtom Houſe, to the inſpection of all perſons, during the hours of buſineſs.

Rate of duty, on articles imported on Britiſh or Aſiatic Veſſels Exceptions.

VI. The duty on articles (except Betel, Tobacco, Ganjah, Bang and Goodauck) imported by Sea, on Britiſh Veſſels or on Veſſels, belonging to Native Inhabitants of the Britiſh Territories in India or to ſubjects of the Native powers of Aſia, ſhall be levied at the rate of ſix per Cent on the value of ſuch Articles, computed at the Tarif prices.

Rate of duty on articles imported in American Veſſels.

VII. The duty on Articles (except Betel, Tobacco, Ganjah, Bang and Goodauck) imported in American Veſſels, ſhall be levied on the value of ſuch Articles computed at the Tarif prices,

at

at the ſame rate as on Articles imported in Britiſh Veſſels, conformably to the 13th Article of the Treaty with America dated 19th November 1794.

VIII. The duty on Articles (except Betel, Tobacco, Ganjah, Bang and Goodauck) imported on Foreign Veſſels (American Veſſels excepted) or from foreign ſettlements, ſhall be levied at the rate of eight per Cent on the value of ſuch articles, computed at the Tarif prices. Rate of duty on articles imported on Foreign Veſſels not being Americans.

IX. The duty on Grain imported at Madras (except from Bengal) on Veſſels of all nations, ſhall be levied at the rate of three per Cent. Rate of duty on grain.

X. The duty on Betel, Tobacco, Ganjah, Bang, and Goodauck, imported by ſea, ſhall be levied at the rates hereunder ſpecified. Rate of duty on Betel, Tobacco, Ganjah, Bang, and Goodauck.

On Betel at the rate of one fanam per bundle of 400 Leaves. Betel.

On Tobacco of all kinds, at the rate of five Fanams pre viſs. Tobacco.

On Ganjah, at the rate of 73 Fanams per viſs. Ganjah.

On Bang, at the rate of 11¼ Fanams per viſs. Bang.

On Goodauck at the rate of three Fanams per viſs. Goodauck.

XI. The arrival of all veſſels in the roads of Madras, ſhall be reported, by the Maſter Attendant to the Collector of Cuſtoms. Arrival of all veſſels to be reported, to whom.

Notification ordered to be sent to Commanders importing.

XII. The following notification shall be sent, by the Collector of Customs through the Master Attendant, to the Commanders of all Ships coming into the roads.

" SIR,"

Notification.

" You are hereby required to transmit, to the Custom " House, a true and complete manifest of all the goods and " merchandizes, laden on board the vessel, under your command, specifying at which port they were received; to whom " they belong; whether laden on account of the owners or on " freight, together with their marks and numbers agreeably to " the form annexed; you will also be pleased on landing, to " deliver into my office, your pass, register and every other " credential, concerning your Ship, which will be returned to " you after inspection."

(Signed)

*"Coll. of Customs."*

"N. B. Ships in ballast to be reported accordingly."

(Signed)

*Col. of Customs.*

Form of Manifest.

"FORM OF MANIFEST.

CUSTOM HOUSE.

"Manifest of the Cargo of the from

Commander under

Colours arrived

180

| To what Port belonging. | Where built. | No. of crew | Owners Names. | How employed. | Tonnage. | Marks. | No. | Packages. | Quality of Goods. | Weight or Quantity of Goods | Where Shipped. | To whom Consigned. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | E. | No. | | | | | | (Signed) A. B. *Commander or Super Cargo.* *of* | | | |

XIII. The Commander, or supercargo of every Vessel, importing, shall deliver in his manifest at the office of the Collector of Customs; and in cases in which the Collector or his Deputy shall consider it to be necessary, he shall annex the following form of an affidavit to the manifest which shall be sworn to before a Justice of the Peace.

Manifest where to delivered.

Affidavit to be affixed

N. B. "Commander of the ship *C.* maketh oath and saith, that "the annexed manifest, to the best of his knowledge and belief, "contains a true and just account of all goods and merchandizes, "imported on the said ship *C.* into Madras Roads on his account, "or on account of the Owners; and that the sums written opposite to the articles, are the true and just prime cost.

Form.

"Sworn to this day of

*before me.*

*Second.* The Collector of Customs, shall require from all natives, in command of vessels, a true account of the cargoes of such vessels to be certified in such manner, as he may consider to be satisfactory.

Native Commanders how to certify their Manifests.

XIV. When the above forms shall have been observed, permits shall be granted to land the goods, under the signature of the Collector of Customs, or of his Deputy.

Forms being complied with permits to be granted.

XV. No articles shall be shipped or landed without a permit granted as above prescribed.

No articles to be shipped or landed without a permit.

XVI. Any merchandize landed or attempted to be landed, before the Manifests shall have been regularly entered at the office of the Collector of Customs, and a permit obtained; and all goods or merchandizes landed, or attempted to be landed, that may not have been inserted in the Manifest, shall be charg-

Penalty.

ed

ed with double duty ; or in the event of its being proved to the ſatisfaction of the Board of Revenue that the Goods were attempted to be landed with a view of defrauding the Cuſtoms ſuch Goods ſhall be liable to confiſcation.

Goods to be ſhipped and landed at the Ghaut oppoſite the cuſtom houſe exception—a penalty if landed elſe where.

XVII. All goods (except ſuch as may be ſhipped or landed on account of the Honorable Company) ſhall be ſhipped or landed at the Ghaut oppoſite to the Cuſtom Houſe ; goods or packages ſhipped from, or landed at any other place, ſhall be charged with double duty.

All officers of government having orders to ſhip or land goods or ſtores belonging to the Company to apply for permits and to give an invoice.

XVIII. All Officers of Government having orders to ſhip or land goods, ſtores, or other articles the property of the Honorable Company, ſhall apply to the Collector of Cuſtoms for a permit to land or ſhip ſuch goods, ſtores, or other articles, and ſhall furniſh to the Collector of Cuſtoms, an invoice of the whole of the articles which may be ſhipped or landed under ſuch permit.

Goods on landing to be brought to the Cuſtom Houſe.

When required to be paſſed, application to be made.

XIX. All goods (except goods belonging to the Company) on being landed ſhall be immediately brought to the Cuſtom Houſe ; and when required to be paſſed, a written application in the following form ſhall be made for that purpoſe, to the Collector of Cuſtoms, ſpecifying the quantity, quality, marks and numbers of the goods, applications made in any other form ſhall not be attended to.

Form of application,

"To the Collector of Customs *Madras.*

Sir,

"Pleaſe to permit the undermentioned goods to paſs the Cuſ-"tom Houſe on account of

Sir,
*Your moſt obedient ſervant.*

| DATE. | No. and nature of Packages. | Name of Veſſels. | Under what colours. | Whence imported. | Sorts of Goods. | Quantity of goods. | Rates. | Total Value. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | N. B. | These are to be left Blank and filled up from the public tarif. | |

XX. If the duty on the goods ſpecified in the application, ſhall have been paid, or ſatisfactory ſecurity given for the payment of it, the Collector of Cuſtoms or his Deputy ſhall ſubjoin his permit to "weigh" or "examine"; or if no duty ſhall be chargeable to "paſs" ſuch goods.

XXI. Goods attempted to be conveyed away from the Cuſtom Houſe without a permit from the Collector of Cuſtoms, or his Deputy; or goods differing from thoſe ſpecified in the permit, attempted to be carried away under ſuch permit, ſhall be charged with double duty; or in the event of its being proved to the ſatisfaction of the Board of Revenue, that the goods were attempted to be carried away, with an intention of defrauding the Revenue, ſuch Goods ſhall be liable to confiſcation. *Goods carried away without a permit ſubject to penalties.*

XXII. Betel, Tobacco, Ganjah, Bang and Goodauk ſmuggled, or attempted to be ſmuggled, ſhall be liable to ſeizure; and to confiſcation or to double duty, as may be determined by the Board of Revenue on a conſideration of the caſe. *Penalty for ſmuggling Betel, Tobacco, Ganjah, Bang and Goodauk.*

XXIII. The duty on liquors or other articles of merchandize imported, which ſhall be ſtated to be ſour, or damaged, ſhall be levied at the rates preſcribed, on the amount of the ſales by public auction, at the Cuſtom Houſe; provided the importer *Duty on damaged Articles how to be collected*

importer ſhall conſent to the ſale of ſuch liquors, or other articles of merchandize; otherwiſe on the value, computed at the Tarif prices.

Piece Goods imported to be ſtamped.

XXIV. All piece goods imported for ſale, ſhall be ſtamped by the Collector of Cuſtoms, with the Company's mark; piece goods offered for ſale, or found without ſuch ſtamp ſhall be liable to confiſcation.

Penalty if found without a ſtamp.

Piece Goods in Bales not to be opened.

XXV. Piece goods imported in bales packed, and ſcrewed for re-exportation, ſhall not be opened for the purpoſe of being ſtamped as preſcribed by the foregoing ſection provided that a correct ſtatement of the contents of each bale be preſented to the Collector of Cuſtoms, and the truth of each Statement be ſworn to, before a Magiſtrate by the owner, if on the ſpot, or by the parties to whom ſuch goods are conſigned—When ſuch ſtatement ſhall have been preſented and authenticated as above preſcribed, the import duty ſhall be levied at the eſtabliſhed rates.

Statement to be preſented on Oath.

Duty how to be Collected.

Piece goods on which the duty has been paid in the Bale to be chopped in the piece free of charge.

XXVI. Perſons who having entered and paſſed bales for re-exportation, may afterwards wiſh to ſell ſuch goods by retail, ſhall apply to the Collector of Cuſtoms to chop each piece. The Collector of Cuſtoms on ſuch application, ſhall ſtamp ſuch goods free of charge.

Articles exempt from duty.

XXVII. *Firſt.* The following Articles ſhall be exempt from the payment of duty.

Goods the property of the Honorable Company on the production of a Certificate to that effect.

Copper

Copper purchased at the Company's sales at any of the other Presidencies in India, if sold on the condition of being exempt from the payment of duty.

Sugar, the manufacture of the Company's territories subject to the Presidency of Fort St. George on the production of a satisfactory Certificate to that effect.

Arrack do. do. of Bengal.

Rum, do. do. & of Bengal.

Treasure and Bullion.

Jewels and precious Stones.

Horses.

Grain imported from Bengal.

*Second* The Collector of Customs shall nevertheless register the quantity and value of Goods imported free of duty. Register to be kept of Goods imported duty free.

XXVIII. The Head Assistant to the Collector of Customs shall supply Gunny Bags for the landing of Grain imported in bulk, and shall charge, for the use of such Bags, at the rate of 2 fanams for every 25 Bags of Grain imported. Gunny bags to be supplied. Fee to be charged.

XXIX. *First*. The Collector of Customs may receive and lodge in the yard, or warehouse of the Custom House, any goods or articles of merchandize imported, and shall grant receipts on application for all goods, landed from ships, and so lodged in the Custom House: The Collector of Customs shall be held responsible for delivering, from the Custom House all goods, for which receipts shall have been so granted. Goods to be lodged in the Warehouse of the Custom House. Receipts to be granted for them. Collector responsible for delivering Goods for which receipts shall have been granted.

*Second*. No Packages, Bales, Chests, or Parcels of Goods, of any kind, shall be received into the Custom House godowns, unless Goods not to be received into the Custom House unless marked and numbered.

unlefs marked, or numbered, and no receipt fhall be granted for any Packages not marked or numbered.

Goods remaining in the warehoufe more than feven days liable to Godown rent.

XXX. If goods fhall remain longer than feven days in the yard, or ware-houfe, of the Cuftom-houfe, fuch goods fhall be liable to a charge for Godown rent, at the following rates.

TABLE *of* GODOWN-RENT.

| | | P | F. | C. |
|---|---|---|---|---|
| Bales of Poonjam Cloth of 30 pieces P. Bale P. Menf. | | 0 | 30 | 0 |
| Bale of Cotton of ½ Candy or 250 | do. | 0 | 16 | 0 |
| Do. of Taffaties of 120 pieces | do. | 0 | 48 | 0 |
| Do. of Raw Silk fize in proportion | do. | 0 | 48 | 0 |
| Chefts of Opium, per Cheft, | | 0 | 16 | 0 |
| Do. of Indigo, do. | | 0 | 12 | 0 |
| Do. of Wine of 12 dozen do. | | 0 | 12 | 0 |
| Snuff, | | 0 | 32 | 0 |
| Wine or Arrack per Pipe or Leager, | | 1 | 19 | 0 |
| Rice per Bag, | | 0 | 6 | 0 |
| Salt Petre, | | 0 | 8 | 0 |
| Ghee, per Candy, | | 0 | 40 | 0 |
| Chillies, do. | | 0 | 24 | 0 |
| Tamarind, do. | | 0 | 24 | 0 |
| Hing, do. | | 0 | 44 | 0 |
| Coir, | | 0 | 40 | 0 |
| Dry Cocoanut, do. | | 0 | 24 | 0 |
| Oil, per Cafk, | | 0 | 24 | 0 |
| Dates, per Candy, | | 0 | 40 | 0 |
| Sugar, do. | | 0 | 44 | 0 |
| Ivory, do. | | 0 | 24 | 0 |
| Tea, do. | | 0 | 24 | 0 |
| China root per Cheft or Box, | | 0 | 40 | 0 |
| Brimftone per Candy, | | 0 | 40 | 0 |
| Iron and Copper do. | | 0 | 30 | 0 |
| All other dry goods, do. | | 0 | 24 | 0 |

Goods remaining in the warehoufe unclaimed more than forty days liable to be advertifed for fale by public auction.

XXXI. *Firft.*—All goods which may not be claimed and cleared out from the Cuftom-houfe within forty days, fhall be liable to be advertifed and fold by public auction, under the orders of the Board of Revenue.—The amount proceeds of the

amount proceeds after deducting charg-

the ſale, after deducting the duty and charges of the ware-houſing ſhall be given to the proprietor. — es to be given to the proprietor.

*Second.* In the event of the owner not being on the ſpot, the amount realized from the ſales of the goods, after deducting the charges of ware-houſing, and the duty, ſhall be retained in depoſite for a period of twelve months, after which period, ſhould not the owner of the goods, nor any perſon duly empowered on his part, have appeared to claim the amount of the proceeds of the ſale of ſuch goods, it ſhall be carried to the account of the Honorable Company. — How to be diſpoſed of if the proprietor ſhould not be on the ſpot.

XXXII. An account of all private packages received into, or delivered from the warehouſe of the Cuſtom Houſe, ſhall be kept by the Collector of Cuſtoms; and publication ſhall be made by him, from time to time, in the Government Gazette, of all unclaimed packages. — An account of all private packages received into or delivered from the warehouſe to be kept

XXXIII. The Collector of Cuſtoms ſhall paſs, at his diſcretion, free of duty, the baggage of individuals arriving on ſhips from England, on a written application being preſented, ſpecifying the number and deſcription of packages, provided he ſhall be ſatisfied that no articles contained therein are intended for ſale; but that the whole are bonâ fide for the private uſe of the parties. — The Collector to paſs the baggage of individuals arriving from England.

*Second.* The exemption from the payment of duty ſhall in like manner be extended to private baggage arriving from any port in India; but the exemption muſt, in ſuch caſes, be underſtood to be ſtrictly confined to articles bonâ fide private baggage; goods imported in the piece, ſuch as long cloth, muſlins, &c. and all articles not of the deſcription of private bag- — and from any port in India. — Unmade up goods to pay duty.

gage,

gage, ſhall be charged with an import duty at the eſtabliſhed rate.

Prohibited articles ſubject to confiſcation if imported.

XXXIV. The importation of the following articles is prohibited and ſuch articles imported without authority ſhall on proof thereof be confiſcated.

Articles comprized by law, in the excluſive trade of the Honorable Company.

Articles the importation of which is prohibited by act of Parliament.

Military Stores of all deſcriptions.

Duty to be levied on goods tranſhipped.

XXXV. Goods tranſhipped in the Roads ſhall be charged with the ſame rate of duty which ſuch goods would have been liable to, if imported.

Application to be made for permits to tranſhip goods.

XXXVI. *Firſt.* Application, for permits for tranſhipping goods, ſhall be made to the Collector of Cuſtoms in the following form, applications made in any other form ſhall not be attended to.

TO the COLLECTOR of CUSTOMS.

Form of application.

SIR,

Pleaſe to permit the undermentioned goods to be tranſhipped on account of

SIR,

*Your moſt obedient ſervant.*

| DATE. | From what veſſels. | under what colour | from whence | on what veſſels to be tranſhipped. | under what colours. | whither Bound. | No and nature of packages. | Sorts of Goods. | quantities of Goods | RATES. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | N. B. | Theſe are to be left blank and filled up from the public Tariff. |

*Second.* The permit for tranſhipping goods ſigned by the Collector of Cuſtoms, ſhall be ſufficient authority to the Maſter Attendant for ſupplying boats, to tranſhip ſuch goods.

Permits to be granted ſufficient authority for ſupplying boats.

XXXVII. Goods tranſhipped without permiſſion, firſt obtained from the Collector of Cuſtoms, or ſhipped, or attempted to be ſhipped upon any other veſſels than that for which they may have been paſſed, ſhall be charged with double duty; or in the event of its being proved to the ſatisfaction of the Board of Revenue that the goods were ſo tranſhipped or ſhipped on another Veſſel than that ſpecified in the permit, ſuch goods ſhall be liable to confiſcation.

Penalty for tranſhipping goods without permiſſion.

XXXVIII. All goods, intended for exportation ſhall be regularly entered at the Cuſtom Houſe; and application ſhall be made in the following form, for permiſſion to ſhip ſuch goods.

Goods intended for exportation to be entered.
application to be made for permiſſion to ſhip the goods.

To the Collector of Customs.

Sir,

*Pleaſe to permit to be exported the undermentioned Goods on account of*

Form of application

*Sir*

*Your moſt Obedient Servant.*

| DATE. | No. and nature of Package. | Name of he veſſel. | Under what colours. | Whither bound. | Sorts of Goods. | Rates of manufacture or of produce | Quantity of Goods. | RATES. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | N. B. These are to be left blank and to be filled up from the Tarif. | |

*Second.* Applications, not conformable to the above form ſhall not be attended to.

applications not conformable to the preſcribed form not to be attended to.

XXXIX.

Duty to be levied on goods exported on Foreign vessels, exception,

XXXIX. Goods exported on foreign veſſels (American veſſels excepted) ſhall be charged with an export duty of, two per cent on the value of ſuch Goods, computed at the Tarif prices.

Goods exported on Britiſh and Aſiatic veſſels to be exempt from duty.

The goods nevertheleſs to be regiſtered.

XL. Goods exported on Britiſh or American veſſels or on veſſels belonging to native inhabitants of the Britiſh territories in India or to ſubjects of the native powers of Aſia, ſhall be exempt from the payment of duty, ſuch Goods ſhall nevertheleſs be regiſtered by the Collector of Cuſtoms, and their value computed at the Tarif prices.

Goods attempted to be ſhipped on Britiſh and Aſiatic veſſels without permiſſion to be charged with an export duty.

XLI. Goods attempted to be ſhipped without a regular permit on Britiſh or American veſſels or on veſſels, belonging to native inhabitants of the Britiſh territories or to ſubjects of the native powers of Aſia, ſhall be charged with an export duty of ſix percent on the value computed at the Tarif prices.

Goods attempted to be ſhipped on foreign veſſels without permiſſion or differing from thoſe ſpecified in the permit liable to double duty or confiſcation.

XLII. Goods attempted to be ſhipped on foreign veſſels (American veſſels excepted) without a regular permit, or Goods differing from thoſe ſpecified in the permit, attempted to be carried away or to be ſhipped under ſuch permit, ſhall be charged with duty at the rate of eight percent or in the event of its being proved to the ſatisfaction of the Board of Revenue, that the goods were ſo attempted to be ſhipped, with a view of defrauding the revenue, ſuch goods ſhall be liable to confiſcation.

Goods ſtopped for confiſcation to be immediately reported to the Board of Revenue.

XLIII. Whenever goods ſhall be ſtopped, on the ground of their being liable to confiſcation, the Collector of Cuſtoms ſhall ſubmit the caſe, without delay to the Board of Revenue for their deciſion.

XLIV.

XLIV. The Board of Revenue are empowered, in cafes in which they may fee reafon to do fo, to impofe a fine on parties offending againft this regulation in lieu of confifcating the goods of fuch parties, fo offending, in the manner prefcribed.

Board of Revenue may retax the penalties.

XLV. The Collector of Cuftoms is empowered to levy a Commiffion of five per Cent on the amount of the duty collected on Goods imported or exported; and upon the amount of duty, computed on Goods imported or exported, free of duty, on the fame principles as if the goods were liable to the payment of fuch duty and in cafes in which goods fhall become liable to be charged with additional duty, the Collector is empowered to levy commiffion on the amount of fuch additional duty.

Commiffion to be levied by the collector.

*Second.* The amount of the commiffion fhall be divided between the Collector and his Deputy, in the proportions of three fifths to the Collector and two fifths to the Deputy Collector.

Commiffion how to to divided.

XLVI. The following articles are declared to be exempt, both from the payment of duty and of commiffion.

Articles exempt from duty.

Treafure imported or exported.

Horfes imported or exported.

Goods the property of the Honorable Company.

XLVII. No individuals fhall be exempted from the payment of duties, eftablifhed by this Regulation unlefs by a fpecial order from the Governor in Council.

Individuals not to be exempted from paying duty except by a fpecial order from the Governor in Council.

XLVIII. *Firft.* The Collector of Cuftoms fhall require from commanders of all veffels exporting, previoufly to granting

Manifeft to be required of all commander previoufly to granting port clearance.

ing port clearances, true and complete manifests of the cargoes of such vessels; and if he considers it to be necessary shall require such commanders to make Oath to the truth of such manifests.

*Second.* The Collector of Customs shall require natives in command of vessels exporting to certify their manifests in such manner as he may deem satisfactory.

Port clearance to be granted.

XLIX. Port clearances in the following form, shall be granted to the commanders of all vessels clearing out from the port of Madras provided the Commanders shall have furnished the manifests required by the foregoing section, and produced the Certificate of the boat paymaster that all charges in that Department have been paid.

FORM

Form for Europeans.

(For ships navigated by Europeans)

Collectors No.

O. S.

Port Clearance for the

under Colours Captain
bound for

This is to certify to whom it may concern that the owners of the above mentioned have rendered on account of her import and export Cargo and have complied with all the Regulations of this port.

FORT ST. GEORGE,
*Government Custom House.*

EXPORT

## EXPORT CARGO.

| Sorts of Goods. | Marks or Numbers. | Quantity. | Where Shipped. | By whom shipped. | To whom consigned. |
|---|---|---|---|---|---|
| | | | (Signed) | A. B. Collector of Customs | |

Port clearance for veſſels belonging to the native powers of Aſia.

COLLECTORS.

O. S. No.

Port clearance for the Tindal

bound for

This is to certify that the owners of the above have rendered an account of her import and export Cargo and have complied with all the regulations of this port.

FORT ST. GEORGE,

*Cuſtom Houſe*

| Sorts of goods. | Marks or numbers. | Quantity. | where ſhipped. | By whom ſhipped. | To whom conſigned. |
|---|---|---|---|---|---|
| | | | (Signed) | A. B. Collector of Cuſtoms. | |

L. The Collector of Cuſtoms is empowered to charge for his own benefit, for every port clearance on every veſſel except Paddy boats. - - - } 1 24

Fee to be charged for every port clearance.

For every Paddy Boat, - - - - 0 20

For every bale imported or exported in foreign veſſels, American veſſels excepted, - } 1 0

and

and ſhall not deliver the port clearance untill ſuch charge ſhall have been paid.

Goods already imported for exportation to be allowed a drawback.

LI. Goods which may have been imported declaredly for re-exportation, previouſly to the publication of this Regulation, ſhall, on re-exportation within the preſcribed period of nine months from the date of their importation, be entitled to a drawback of the whole duty paid on importation, conformably to the proviſions of the exiſting regulations.

Official Bills to be given for all charges

LII. Official Bills ſhall be given by the Collector of Cuſtoms for all charges made by him, whether for duties, Warehouſing, Commiſſion, or for port clearances, and generally for all charges made by him, under this Regulation.

Confiſcated goods to be ſold by public Auction.

LIII. All goods, which may be confiſcated by order of the Board of Revenue ſhall be ſold by Public Auction at the office of the Collector of Cuſtoms.

Proceeds of confiſcated goods and fines how to be diſpoſed of.

LIV. The proceeds of the ſales of goods confiſcated, by order of the Board of Revenue, or the amount of the fine which they may order to be levied in lieu of confiſcating the goods, ſhall be divided as follows—viz. one fifth between the Collector of Cuſtoms and his Deputy, in the proportion of two thirds to the former, and one third to the latter; two fifths to the perſon or perſons on whoſe information the ſeizure of the goods may have been made, and two fifths to the Company.

The Collector and his Officers amenable to the Zillah court of Chingleput.

LV. The Collector of Cuſtoms and his Deputy, and aſſiſtants and native officers, employed in the collection of the cuſtoms, at the port of Madras, ſhall be amenable to the Zillah Court of Chingleput, for any act or acts done in their official capacity,

capacity, contrary to, or not warranted by this Regulation, in the same manner as if they resided, or carried on the public business committed to their charge, within the limits of the Jurisdiction of the said Zillah and the said Court is accordingly hereby empowered to take cognizance of such suits.

LVI. Persons deeming themselves aggrieved by the confiscation of their goods, or by the levying of double duty on such goods, under circumstances which may appear to them, not to warrant, conformably to the provisions contained in this Regulation, the confiscation of such goods or the subjecting them to the payment of double duty; may institute a suit in the court of Chingleput, for the recovery of the value of such goods, if they shall have been confiscated; or of the amount of the double duty, in the event of double duty having been levied on such goods; together with damages for the loss which such persons may have sustained thereby.

Persons deeming themselves aggrieved by any act of the Collector at liberty to institute a suit in the Zillah court of Chingleput.

LVII. Suits instituted against the Collector of Customs, his Deputy Assistants or native officers, shall be tried in the manner prescribed by the Regulations respecting suits instituted against Collectors of Revenue in Zillahs.

Suits instituted against the Collector or his Officers how to be tried.

LVIII. The Court shall require all persons instituting suits against the Collector of Customs, to give good and sufficient security to prosecute such suits to an issue, and to pay whatever damages may be awarded against them by the decree of the Court, in the event of the suits so instituted, proving to be groundless, or litigious: the Court shall not issue process against the Collector of Customs, until the required securities shall have been given.

Security to be required by the Court from persons instituting suit against the Collector or his Officers.

Process shall not issue before security is given.

LIX.

Process how to be served upon the Collector.

LIX. When written process shall be issued, by the Court of Chingleput, against the Collector of Customs at Madras, the Register to the Court shall transmit such process, under a sealed cover, addressed to the Collector, in the form of a letter and superscribed with his name and official appellation. The Collector shall immediately acknowledge the receipt of the process, by an endorsement to that effect on the instrument, and return it under a sealed cover to the Register to the Court.

Collector to report to the Board of Revenue the institution of any suit against him and to receive instruction whether to defend it or make satisfaction.

LX. The Collector of Customs shall report to the Board of Revenue, the institution of any suit against him, under this Regulation, and shall receive the orders of the Board of Revenue, to defend the suit, or to make satisfaction to the party, or parties, if the Board of Revenue shall see reason to do so.

Collector to be indemnified for damages awarded against him in suits defended under the orders of the Board of Revenue.

LXI. The Collector of Customs shall be indemnified for all costs and damages, awarded against him by the Court in suits defended under the orders of the Board of Revenue.

The defence of any suit undertaken without reference to the Board of Revenue shall be at the charge and risk of the Collector.

The board may order the defence to be conducted at the expense of Government.

May recommend the costs awarded against the Collector to be defrayed from the public treasury.

LXII. If the Collector of Customs shall undertake the defence of any suit, without reporting the same to the Board of Revenue, and receiving their orders thereon, the defence, so undertaken, shall be at the cost and risk of the Collector of Customs; but it shall be in the option of the Board of Revenue to order the defence, so undertaken by the Collector of Customs to be conducted on the public account, and at the expense of Government; or in the event of the suit having been decided against the Collector of Customs, to recommend to the Governor in Council, that any part or the whole of the costs, and damages, awarded against the Collector of Customs may be defrayed from the public treasury.

LXIII. In prosecutions which may be instituted in the Zillah Court of Chingleput, against the Collector of Customs at Madras, for any act or acts done in his official capacity contrary to, or not warranted by this Regulation, or for any act, or acts which may not involve claims to monies received or demanded by him on behalf of Government, in conformity to this regulation; such suits shall be considered to be entirely of a private nature between the Collector of Customs and the prosecutors; the Collector of Customs shall defend such suits at his own risk and expence, in the same manner as other individuals amenable to the jurisdiction of the Court of Chingleput, who may not be employed by Government. Suit to be considered of a private nature defined,

LXIV. The Collector of Customs shall not derive pecuniary advantage from the suits which may be instituted against him, in the Zillah Court of Chingleput, in his official capacity; with exeption to the personal suits, of the nature described in the preceding section; but the amount of the costs and damages decreed against individuals instituting suits against the Collector of Customs, in his official capacity, on the ground of such suits being vexations and litigious, shall be carried to the credit of Government. The collector shall not derive pecuniary advantage from suits instituted against him in his official capacity. exception. the amount to be carried to the credit of Government.

LXV. Security shall not be demanded from the Collector of Customs at Madras for his personal appearance, in any suit in which he may be engaged, under this Regulation, nor for the payment of the costs and damages that may be awarded against him: if the Collector of Customs at Madras, shall omit or refuse to obey any order or decree of the Zillah Court of Chingleput, in any suit instituted against him, under this Regulation, the Court is empowered to fine him according to the security shall not be demanded from the collector for personal appearance or obedience to the decree of the court. Collector liable to be fined for disobedience

nature

Further disobedience to be reported to the Governor in Council that the decree may be enforced.

nature and extent of the offence—In the event of the Collector of Customs persisting in refusing to obey the order or decree of the Court, and to pay the fine imposed on him by the Court for disobedience, the Judge shall state the case to the Governor in Council, in order that the decree may be enforced by deducting from the salary and emoluments of the Collector of Customs, the amount of the costs and damages decreed against him, together with the fine imposed by the Court.

The benefit of appeal allowed to the Collector.

LXVI. The Collector of Customs at Madras shall have the benefit of appealing from the decisions of the Zillah Court at Chingleput, to the provincial Court of appeal, for the center division, and from the decrees of that court, to the sudder adawlut, and ultimately to the Governor in Council, subject to the rules and regulations prescribed regarding appeals from the decisions of those courts respectively (with exception to finding the securities required to be found by individuals); but in suits which may be defended on the public account, under the orders of the Board of Revenue, the Collector of Customs shall not appeal, without having received their written authority for that purpose.

In suits defended on the public account the collector not to appeal without orders from the Board of Revenue.

Instructions of the Collector to the Vakeels of the Courts how to be transmitted.

LXVII. The instructions, which the Collector of Customs may transmit to the Vakeels of Government in the Court respecting suits instituted against him under this Regulation shall be enclosed under a sealed cover, and directed to the Vakeel, and transmitted under a sealed cover addressed to the Register of the Court, in which the cause may be depending, and superscribed with the official appellation of the Collector—The Register of the Court shall deliver such instructions to the Vakeel. In like manner the Vakeels shall transmit through the Registers of the

Vakeels how to return the Vouchers transmitted to them.

respective

reſpective courts, the papers and documents which they may have to return to the Collector of Cuſtoms.

LXVIII. The Collector of Cuſtoms ſhall not be liable to proſecution for any act of his predeceſſor--But in the event of the Collector of Cuſtoms, being removed from office during the time, while ſuits, in which he may be engaged, and for which he may be individually anſwerable, are depending in the court, he ſhall carry them on, in the ſame manner as if he had continued in office.

The Collector not liable to proſecution for the acts of his predeceſſor.

in caſe of removal to defend ſuits of a private nature as if he had remained in office.

LXIX. The Collector of Cuſtoms for the time being ſhall carry on ſuits, for which Government may be ultimately reſponſible, under the orders of the Board of Revenue.

The collector for the time being to conduct the ſuits in which Government may be reſponſible.

LXX. All the rules contained in this Regulation, reſpecting the Collector of Cuſtoms, are to be conſidered equally applicable to his Deputy, or aſſiſtant, (being covenanted Servants of the company), whilſt officiating as collectors.

Rules reſpecting the Collector to apply to the other officers employed under him being covenanted ſervants.

LXXI. Such part of any exiſting regulation as may be contrary to this regulation is hereby reſcinded.

any regulation to the contrary reſcinded.

LXXII. A copy of this regulation, with tranſlations in the Telegu and Tamul languages, ſhall be affixed in a conſpicuous part of the Cuſtom Houſe for general information.

Copy of this regulation with tranſlations to be affixed in the Cuſtom houſe.

# A REGULATION

FOR LEVYING A DUTY ON THE IMPORTS

OF

*M E R C H A N D I Z E*

# BY LAND

## INTO THE TOWN OF MADRAS;

AND

*CIRCUMJACENT VILLAGES,*

AND

ON ARTICLES MANUFACTURED OR PRODUCED

WITHIN THE SAID TOWN AND VILLAGES

FOR

*determining the amount of duty, and for*

*defining the Rules under*

*which that duty shall be*

# COLLECTED.

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 12TH OF AUGUST 1803.

# A. D. 1803. Regulation X.

*A REGULATION for levying a duty on the imports of Merchandize by land into the town of Madras and circumjacent Villages; and on articles manufactured or produced within the said town and Villages; for determining the amount of duty; and for defining the rules under which that duty shall be collected.*

WHEREAS it is provided by section II. Regulation I. 1802 that the rules and orders of the Governor in Council for the imposition and levying of taxes or duties on commerce shall be framed into a regulation, and printed and published; and whereas it has become expedient to modify and simplify the regulation, under which the duties on imports into Madras and circumjacent Villages have hitherto been collected; and to provide for the inforcement of the Regulation so modified under the protection of a Court of Justice by rendering the revenue officers employed in the collection of the duty amenable to the Zillah Court, established at Chingleput, for any act done contrary to this regulation, wherefore the following regulations have been passed by the Governor in Council; to take effect and be in force the first day of October 1803.

II.

# A. D. 1803. Regulation X.

*A REGULATION for levying a duty on the imports of Merchandize by land into the town of Madras and circumjacent Villages; and on articles manufactured or produced within the said town and Villages; for determining the amount of duty; and for defining the rules under which that duty shall be collected.*

WHEREAS it is provided by section II. Regulation I. 1802 that the rules and orders of the Governor in Council for the imposition and levying of taxes or duties on commerce shall be framed into a regulation, and printed and published; and whereas it has become expedient to modify and simplify the regulation, under which the duties on imports into Madras and circumjacent Villages have hitherto been collected; and to provide for the inforcement of the Regulation so modified under the protection of a Court of Justice by rendering the revenue officers employed in the collection of the duty amenable to the Zillah Court, established at Chingleput, for any act done contrary to this regulation, wherefore the following regulations have been passed by the Governor in Council; to take effect and be in force the first day of October 1803.

II.

A duty to be levied on goods imported by land into Madras and the circumjacent villages.

II. A Town duty ſhall be levied on goods imported by land, into the Town of Madras and circumjacent Villages.

by whom to be collected.

III. The collection of the Town duty ſhall be entruſted to the Collector of Cuſtoms.

limits of the land Cuſtom houſe to be determined.

IV. The limits of the land Cuſtom Houſe ſhall be regulated by the Collector of Cuſtoms under the orders of the Board of Revenue.

Collector and his Officers to attend every day, ſundays excepted.

hours of buſineſs.

V. The Collector of Cuſtoms or his Deputy with all the officers attached to the Department, ſhall attend at the land Cuſtom houſe, every day in the week, (ſunday excepted,) from the hours of nine in the morning until four in the afternoon.

rate of duty.

VI. Goods brought within the limits of the land Cuſtom Houſe, and goods produced or manufactured within thoſe limits, ſhall be charged with an import duty, at the rate of ſix per cent on the value of ſuch goods; The value of the goods ſhall be aſcertained by a Tarif.

A Tarif to be kept to be reviſed and regulated.

VII. A Tarif ſhall be compiled of the average whole ſale prices of goods in the Market, and ſhall be reviſed and regulated by the Collector, under the orders of the Board of Revenue; ſubject to the confirmation of the Governor in Council.

Tarif to be kept open for public inſpection.

*Second.* The Tarif, authenticated by the ſignature of the Collector, ſhall be kept open at the Cuſtom Houſe, for public inſpection, during the hours of buſineſs.

VIII.

VIII. On the arrival of goods or merchandize, at the land Cuſtom Houſe, the duty aſſeſſable thereon ſhall be immediately aſcertained and demanded, and the goods cleared without delay.

On the arrival of goods the duty to be aſcertained and demanded, and the goods cleared without delay.

IX. Where articles imported conſiſt of gruff goods, a certain quantity ſhall be taken, and weighed, an average of the whole quantity be calculated thereon, and the duty be levied on the aggregate.

duty how to be collected on gruff goods.

X. Piece goods manufactured within the limits of the Madras land Cuſtom Houſe, or imported into thoſe limits by land, ſhall be ſtamped; piece goods offered for ſale, or found without the preſcribed ſtamp being affixed thereto ſhall be liable to confiſcation, under the orders of the Board of Revenue.

Piece goods to be ſtamped

if found without a ſtamp liable to confiſcation.

XI. Bales of piece goods imported by land, packed and ſcrewed for re-exportation by ſea, ſhall not be opened for the purpoſe of ſtamping, provided the owners deliver in a declaration on oath of the quality, and quantity of the goods ſo packed; the value thereof ſhall be aſcertained by the tarif, and the duty be levied on ſuch value; printed Certificates, agreeable to the annexed form, ſhall be granted for ſuch goods, certifying that the duty thereon has been paid and that they are intended to be exported by ſea.

Bales imported packed and ſcrewed not to be opened.

contents to be ſworn to; and the duty to be levied thereon.

printed certificates to be granted for ſuch goods.

Government land Cuſtom Houſe, this is to certify that the annexed entry of goods has been cleared this day of 180 declaredly for exportation by Sea and that the Honorable Company's duty has been received thereon,

Form.

By

| By whom entered. | To whom belonging | Sorts of goods. | No. of Packages. | Marks. | Quantity of Goods. | Value. | Amount of Customs. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

(Signed)

N.B. date when exported by Sea.

Collector of Customs.

Damaged piece goods requiring to be washed to be stamped with a washing mark.

XII. Piece goods unbleached or damaged intended for exportation by sea, requiring to be washed, shall have a washing stamp imprinted thereon, in order that such goods may not be seized or sold.

Goods to be permitted to enter the Fort and Black Town only between certain hours.

Goods attempted to be passed at any other time liable to confiscation.

XIII. Goods or merchandize shall not be permitted to pass into the Fort or Black-town after the hours of 6 in the evening or before 9 in the morning: Goods or Merchandize attempted to be passed contrary to this regulation, or to be smuggled, shall be liable to seizure, and to confiscation under the orders of the Board of Revenue.

Trunks, chests and other packages to be carried to the custom house and detained until regularly discharged,

to be exempt from duty only on the production of a certificate or on assurance that the packages contain no articles unmade up for use,

Articles for sale or manufactures for private use to be charged with duty.

XIV. All trunks, chests and other Packages, coming by land into Madras, shall be carried to the land Custom House and shall remain there until properly discharged by the collector of Customs, and no Baggage shall be passed for the future, unless the owner shall personally declare, or certify in writing, either to the Collector, or his Deputy, that the packages do not contain, either on his own, or on the account of any other person, any articles for sale, or pieces of cloth not made up for use: Should the packages contain any articles for sale, or manufactures for private use, such as long cloth, muslin, cambrick, &c. in the piece, a list shall be delivered at the Custom House, by the person in charge, and on payment of the duty, the goods shall be stamped and passed.

XX.

XV. The duty on Beetle, Tobacco, Ganjah, Bang and Goodauck imported, ſhall be levied at the rates hereunder ſpecified. Duty to be collected on Beetle Tobacco Ganjah, Bang and Goodauck,

On Beetle at the rate of one fanam per bundle of 400 leaves.

On Tobacco of all kinds at the rate of five fanams per Vis.

On Ganjah at the rate of 73 fanams per Vis.

On Goodauck at the rate of three fanams per Vis.

XVI. Beetle, Tobacco, Ganjah, Bang and Goodauck, ſmuggled, ſhall in proof thereof to the ſatisfaction of the Board of Revenue, be confiſcated. BeetleTobaccoGanjah BangandGoodauckattempted to be ſmuggled liable to confiscation.

XVII. Grain imported within the limits of the land Cuſtom Houſe, ſhall be charged with a duty, at the rate of three per cent. The rate of duty on grain to be three per cent,

XVIII. Official Bills ſhall be given by the Collector of Government Cuſtoms for duties and commiſſion, on all goods imported by land. Official Bills to be given.

XIX. The following articles imported into the limits of the Madras land Cuſtom Houſe, ſhall be exempt from the payment of duty and commiſſion. Articles exempt from the payment of duty.

All goods the property of the Honorable Company, on the production of a certificate from a competent authority.

Treaſure.

Bullion.

Precious

Precious Stones, Jewels,
Cotton and Cotton Thread,
Horses, Elephants, and all quadrupeds, Household furniture.
Firewood,
Charcoal,
Chunam shells and Chunam,
Bricks and Tiles,
Stones,
Straw,
Bratties,
Vegetables, and
Milk.

The first seven articles to be registered,

*Second.* The first seven articles of merchandize passed duty free, shall nevertheless be registered by the Collector of Customs.

Goods exported by land exempt from all duties and fees nevertheless to be registered,

XX. Articles exported by land from the limits of the Madras land Custom House, shall be exempt from the payment of all duties and fees, such goods shall nevertheless be registered.

Military stores not to pass outward without a regular certificate,

XXI. Military stores shall not be permitted to pass the land Custom House outward, unless accompanied by a regular certificate.

Goods not cleared within thirty days liable to be sold.

XXII. Where goods are not cleared within thirty days, the Collector of Customs shall transmit a list of uncleared goods to the Board of Revenue, and such goods shall be disposed of at public sale or otherwise, as the Board of Revenue may direct.

*Second.* Notification of the sales and of the terms of them, shall be publicly affixed at the usual places for fifteen days previous to the day of sale.

Notifications to be made of the terms of sale fifteen days previous to the sale.

*Third.* The sales shall be made for ready money only.

Sales to be for ready money only.

*Fourth.* After deducting the Custom House duties and charges, the balance of the proceeds of the sales shall be disposed of as the Board of Revenue may direct.

Proceeds how to be disposed of after deducting charges.

XXIII. The Collector of Customs shall have authority to levy for his own benefit, and that of his Deputy, a commission of 5 per cent on the amount of duty collected, on goods which pay duty.

Collector empowered to levy a commission of five per cent on the amount of the duty.

*Second.* The amount of the commission shall be divided between the Collector, and his Deputy, in the following proportions.

The Collector three fifth parts.
The Deputy two fifth do.

Commission how to be divided.

XXIV. Where Goods may be stopped on the grounds of their being liable to confiscation, the Collector of Customs shall report the case to the Board of Revenue.

Goods stopped for confiscation to be reported to the Board of Revenue.

XXV. The Board of Revenue are empowered in cases where they may see reason for so doing to impose a fine, in lieu of confiscating goods, which may have become liable to confiscation, or to remit any part or the whole of the penalties to which goods may have become liable under this Regulation.

The Board of Revenue empowered to relax the penalties provided by this regulation.

XXVI.

Proceeds of the sales of goods confiscated, how to be divided

XXVI. The proceeds of the sales of goods confiscated, shall be divided as follows: one fifth between the Collector and Deputy Collector of Customs, in the proportion of two-thirds to the former, and of one-third to the latter; two fifths to the informer and persons making the seizure; and two fifths to the company.

The Collector and his officers declared amenable to the Zillah Court of Chingleput.

XXVII. The Collector of Customs, his Deputy and Assistants, and Native Officers, employed in the collection of the land Customs, are hereby declared amenable to the Zillah Court of Chingleput for all acts done in their official capacity, contrary to or not warranted by this Regulation, in the same manner as if they resided or carried on the public business committed to their charge within the jurisdiction of the said Zillah; and all the Rules contained in Regulation IX. of 1803, respecting suits which may be instituted against the Collector of Customs, his Deputy Assistant and Native Officers, for acts done contrary to or not warranted by that Regulation, shall be considered equally applicable to cases connected with a breach of this Regulation.

# A. D. 1803. REGULATION XI.

## A REGULATION

FOR LEVYING A DUTY

*ON IMPORTS AND EXPORTS*

## BY SEA,

AT THE SEVERAL PORTS IN THE PROVINCES

*SUBJECT TO THE AUTHORITY*

OF THE

## GOVERNMENT

OF

## FORT ST. GEORGE:

For determining the amount of Duty,

AND FOR DEFINING THE RULES UNDER

which that Duty ſhall be collected.

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 12TH OF AUGUST 1803.

# A. D. 1803. Regulation XI.

*A REGULATION for levying a duty on Imports and Exports by ſea at the ſeveral Ports in the Provinces ſubject to the authority of the Government of Fort St. George; for determining the amount of duty, and for defining the rules under which that duty ſhall be collected.*

WHEREAS it is provided by Section II. Regulation I. 1802, that the rules and orders of the Governor in Council for the impoſition or levying of taxes or duties on commerce, ſhall be framed into a Regulation and printed, and publiſhed; and whereas it is expedient that defined rules ſhould be laid down for the collection of a duty on merchandize, at the Ports of the ſeveral Provinces ſubject to the authority of the Government of Fort St. George; Wherefore the following Regulations have been paſſed by the Governor in Council to take effect, and be in force on the firſt day of October 1803.

A duty to be levied on imports and exports by ſea at the ſubordinate ports.

II. A duty ſhall be levied on Goods imported, or exported, by ſea, at the Ports of the ſeveral diſtricts ſubject to the Preſidency of Fort St. George, under the reſtrictions and proviſions contained in this Regulation.

III.

By whom to be collected.

III. The duty ſhall be collected by the Local Officers of Revenue in the diſtricts reſpectively.

Tarif to be kept.

IV. *Firſt.* A Tarif, or Book of rates, ſhall be eſtabliſhed at each of the ſubordinate ports, and ſhall be affixed, for public information, in the Cuſtom Houſe under the ſignature of the Collector.

How to be regulated.

*Second.* The Tarif ſhall be regulated by the Local Officers of revenue, under the orders of the Board of Revenue, ſubject to the confirmation of the Governor in Council.

The value of goods to be aſcertained by the Tarif.

V. The value of all goods imported or exported, ſhall be aſcertained by the Tarif.

Rate of duty to be levied on goods imported in foreign veſſels, exception.

VI. Goods imported on foreign Veſſels (American Veſſels excepted) or from foreign ſettlements, ſhall be ſubject to an import duty of eight per cent. on the value of ſuch Goods.

Goods imported on Britiſh and Aſiatic veſſels exempt from duty.

VII. Goods imported on Britiſh Veſſels, or on Veſſels belonging to the natives of any of the Britiſh dependencies in India, or to ſubjects of the native powers of Aſia, or on American Veſſels, ſhall be exempt from the payment of import duty.

Arrival of veſſels to be reported.

VIII. The arrival of all Veſſels in the Port or Roads ſhall be reported by the Officers of the Beach Department, to the Local Officers of Revenue.

Notification to be tranſmitted to Europeans commanding veſſels.

IX. Local officers of Revenue ſhall tranſmit the following notification to all Commanders of Veſſels being Europeans.

SIR

SIR,

" You are hereby required to tranſmit to the Cuſtom Houſe, " a true and complete manifeſt of all Goods, and merchandize, " laden on board your Veſſel; ſpecifying at what Port they were " received ; to whom they belong, whether laden on account of " the owners, or on freight, together with the marks and num- " bers agreeably to the form annexed ; you will alſo be pleaſed, " on lading, to deliver into my office your paſs Regiſter, and eve- " ry other credential concerning your ſhip, which will be re- " turned after inſpection." Form

(Signed) A. B.

COLLECTOR OF CUSTOMS.

N.B. Ships in Ballaſt are to be reported accordingly.

(Signed) A. B.

COLLECTOR OF CUSTOMS.

FORM.

MANIFEST of the CARGO of the CUSTOM HOUSE,

from

Commander under Colours arrived 180

| To what Port belong. | Where build. | No. of the Crew. | Owners names. | How employed, | Ton-nage, | Marks. | Numbers. | Pack ages. | Quality of Goods. | Weight or Quantity of Goods. | Where Shipped. | To whom conſigned. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | |

X. The Commander or Supercargo of any Veſſels, importing, being an European, ſhall deliver in his manifeſt at the eſtabliſhed office ; and ſhall, if required by the Local Officers of Revenue, atteſt on oath, the truth of it.

European Commanders or Supercargo to deliver in a manifeſt.

to atteſt it if required on oath.

XI.

Native Commanders how to Certify their manifests.

XI. The Local Officers of Revenue ſhall require from all natives, in command of Veſſels, a true account of the Cargo of ſuch Veſſels, to be certified in ſuch manner as the Local Officers may conſider to be ſatisfactory.

Permits to be granted

XII. When the above Forms ſhall have been obſerved: permits ſhall be granted by the Local Officers, of Revenue, to land the Cargo.

Goods where to be landed,

XIII. All goods ſhall be landed at the place appointed by the Local Officers of Revenue, and no where elſe.

Goods landed without regular permiſſion liable to import duty.

XIV. Goods landed or attempted to be landed before the manifeſt ſhall have been regularly entered, or Goods landed or attempted to be landed, which have not been entered in the manifeſt, ſhall be charged with an import duty of twelve per cent.

Regiſter to be kept of goods imported paying and exempt from duty

XV. Local Officers of Revenue ſhall keep a daily Regiſter of the quantity and value of all goods imported, paying duty, and a ſeparate Regiſter of all Articles imported free of duty.

Rate of duty to be levied on goods exported in Britiſh or Aſiatic Veſſels.

XVI. An export duty of ſix per cent ſhall be levied on the value of all goods and merchandize exported on Britiſh or American Veſſels, or on Veſſels belonging to the natives of any of the Britiſh dependencies in India, or to ſubjects of the native powers of Aſia.

Rate of duty to be levied on Goods exported on foreign veſſels, exception.

XVII. An export duty of eight per-cent, ſhall be levied on the value of all Goods exported on foreign Veſſels, (American Veſſels excepted.)

XVIII. Goods tranſhipped from one Veſſel to another being British Veſſels or Veſſels belonging to Inhabitants of the British territories, or to ſubjects of the native powers of Aſia, ſhall be charged with the export duty of ſix per cent. Goods tranſhipped liable to be diſcharged with a duty.

XIX. Goods tranſhipped on foreign veſſels (American veſſels excepted) ſhall be charged with a duty of eight per cent. Goods tranſhipped on foreign veſſel, liable to what duty.

XX. Applications for permits to tranſhip Goods, ſhall be made to the Officers of Revenue, in the following, for applications made in any other form ſhall not be attended to. Applications to be made for permits to tranſhip Goods.

## FORM.

To the Collector of Customs.

Sir,

Pleaſe permit the undermentioned Goods to be tranſhipped on account of

Sir,

*Your moſt Obedient Servant*

| Date. | From what veſſel | From whence | On what Veſſels tranſhipped. | Under what colours. | Whether Bound. | No. and nature of Packages. | Sorts of Goods. | Quantity of Goods. | Rates. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | N. B. Theſe are to be left blank and filled from the Public Tarif. |

XXI. The permit for tranſhipping Goods ſhall be ſigned by the Local Officers of Revenue. By whom to be ſigned.

XXII. Goods tranſhipped without permiſſion firſt, had, and obtained from the Local officers of Revenue; or ſhipped, or attempted to be ſhipped, upon any other veſſel than that for which they may have been paſſed, ſhall be charged with double duty. Goods tranſhipped without permiſſion liable to double duty.

XXIII.

*Articles exempt from Import and Export duty.*

XXIII. The following articles ſhall not be liable to Import and Export duties.

Goods the property of the Honorable Company, on the produce of a Certificate to that effect.

Copper purchaſed at the Company's Sales at other Preſidencies; if proved to have been ſold on the condition of being exempted from duty.

Sugar, the manufacture of the Company's Territories, ſubject to the Preſidency of Fort St. George; on the production of an authentic Certificate to that effect.

Rum, do. do. and of Bengal.
Arrack, do. do. and of Bengal.
Treaſure and Bullion,
Grain of all ſorts (except in the province of Canara)
Horſes and all Quadrupeds.

*Export duty to be levied on Grain exported from Canara.*

XXIV. An export duty of three per cent ſhall be levied on Grain, exported from the ports of the province of Canara.

*Articles exported duty free to be Registered.*

XXV. The Local Officers of Revenue ſhall regiſter the value and quantity of the articles exported free of duty.

*Certificates to be given for the amount of export duty.*

XXVI. The Exporter of Goods, on which an Export duty has been levied, ſhall be entitled to a Certificate, in the following Form, of the amount of duty paid; which certificate ſigned and ſealed by the Local Officers of Revenue, ſhall be received in part payment of the Import duty at the port of Madras, or at any other port in the Provinces ſubject to the Preſidency of Fort St. George.

*to be received in part payment at other ports*

FORM

## FORM.

REGISTER.

### *CUSTOM HOUSE.*

*This is to certify the Goods mentioned in the annexed list have been regularly entered and paid the Honorable Company's Export duties this day of*

| DATE. | By whom entered | No. and nature of Packages. | Names of the vessels. | Vessels under what colours. | Whither Bound. | Sorts of goods. | Place of manufacture or of Production. | Quantity of goods. | Rates. | Total amount of value. | Government Customs received. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

XXVII. Where Native officers of Revenue are entrusted with the collection of Export duties, they shall be furnished with blank certificates under the seal and signature of the Collectors of Revenue in the form prescribed, and a regular return shall be required by the Collectors, in the undermentioned Form from such Native Officers, of the Certificates delivered to them.

Blank Certificates to be furnished to the native officers.

return of certificates issued to be required.

## FORM.

| Date of the Certificates from the Collector. | No. of Certificates received. | Date of the Certificates issued. | No. of the Certificates. | * To whom granted. | Goods from what Port Shipped. | Name of the Vessel. | Vessel under what colours. | Where bound. | Sorts of Goods. | Marks and Numbers. | No. and nature of Packages. | Quantity of Goods. | Rates per Corge, Piece &c. &c | Value. | Government Customs received. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | |

Native officers to be furnished with an Official Seal.

XXVIII. *First.* Native Officers, entrusted with the collection of Export Duty, shall be furnished with an official Seal, one inch in diameter, the name of the Port or Place of Export shall be cut thereon, in the English, Hindustani, and local language of the District; such Native Officers, shall in addition to the seal of the Collector, affix the seal of the Port to all Export certificates issued by them.

to affix it to all Certificates issued.

Certificates how to be numbered.

*Second.* The certificates shall be numbered in the English, Hindustani, and local language of the District, and be issued according to their numbers.

Copies of the Certificates issued to be transmitted monthly to the Collector of Customs at Madras.

XXIX. Collectors of Revenue shall transmit, monthly, to the Collector of Customs at Madras, copies of the Register of Certificates granted by themselves, and by the native officers under them; the contents of these Registers, shall be compared, by the Collector of Customs at Madras, with the contents of the Certificates produced to him, and where a difference may be discovered, the Collector of Customs at Madras shall inform the Board of Revenue of the extent of the difference, in order that the cause may be ascertained.

to be compared with the certificates produced at Madras.

the difference if any be discovered to be reported to the Board of Revenue.

Commanders exporting to furnish manifests of the Cargo of their vessels previously to obtaining port clearances.

XXX. *First.* The Local Officers of Revenue shall require from the Commander of each Vessel exporting, previously to granting a Port clearance, a true and complete manifest of the Cargo of such Vessel, and shall, if they consider it to be necessary, require such Commander, being an European, to make Oath to the truth of such manifest.

if required to make oath to the truth of such manifest.

Native Commanders how to certify their manifests.

*Second.* The Local Officers of Revenue shall require the manifest of Goods exported on Vessels, commanded by Natives to be certified in such manner as to them may appear satisfactory.

XXXI

XXXI. Port clearances, in the following form, ſhall be granted to the Commanders of all Veſſels being Europeans.

Port clearances to be granted.

Form for Europeans.

For ſhips navigated by Europeans.

No.

Port clearance for the under Colours

Captain bound for

This is to certify, to whom it may concern, that the owners of the abovementioned have rendered an account of her Import and Export Cargo; have diſcharged all duties and complied with all the Regulations of the Port.

CUSTOM HOUSE, (Signed) A. B.

180 COLLECTOR OF .

EXPORT CARGO.

| Sorts of Goods. | Marks or Numbers. | Quantity. | Where Shipped. | By whom ſhipped. | To whom conſigned. |
|---|---|---|---|---|---|
| | | | | | |

*Second.* Port clearances, in the following Form, ſhall be granted to all Commanders of Veſſels, being Natives, and ſhall be written or printed in the native languages.

Por. clearances to be granted to native commanders.

Port clearance for Veſſels under Aſiatic Colours.

COLLECTOR'S OFFICIAL SEAL.

No.

Port clearance for the Tindal

bound for This

Form for Natives.

This is to certify that the owners of the above, have rendered an account of her Import and Export Cargo; have difcharged all duties, and complied with all the Regulations of the Port.

CUSTOM HOUSE, (Signed) A. B.

COLLECTOR OF CUSTOMS.

| Lifts of Goods. | Marks or Numbers. | Quantity. | Where Shipped. | By whom Shipped. | To whom configned. |
| --- | --- | --- | --- | --- | --- |
| | | | | | |

# A REGULATION

FOR LEVYING A DUTY ON GOODS

IMPORTED BY LAND FROM

*AND EXPORTED TO THE TERRITORIES OF FOREIGN STATES*

IN INDIA,

AND ON

ARTICLES OF MERCHANDIZE

*PRODUCED OR MANUFACTURED OR CONSUMED*

IN CERTAIN TOWNS AND PLACES;

For determining the amount of duty,

AND FOR DEFINING THE RULES UNDER

which that Duty shall be collected.

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 12TH OF AUGUST 1803.

# A. D. 1803. Regulation XII.

*A REGULATION for levying a duty on goods imported by land from, and exported to the territories of foreign ſtates in India, and on articles of merchandize produced or manufactured, or conſumed in certain Towns and places, for determining the amount of duty; and for defining the rules under which that duty ſhall be collected.*

WHEREAS it is provided by Section II. Regulation I. 1802, that the rules and orders of the Governor in Council, for the impoſition or levying of taxes, or duties on commerce, ſhall be framed into a regulation, and printed and publiſhed; and whereas it has become expedient to aboliſh the duties, hitherto collected on the tranſit of articles of merchandize, in the territories ſubject to the Preſidency of Fort St. George, under the denomination of ſayer, or any other denomination, and to provide for the levy of a duty on merchandize, imported and exported by land, at certain fixed ſtations, and at certain fixed rates; wherefore the following regulations have been paſſed, by the Governor in Council; to take effect from and after the firſt day of October 1803.

I.

*The inland duties hitherto collected to ceafe and a duty under the denomination of Frontier duty and Town duty to be levied under reftrictions herein provided.*

II. The duties hitherto collected in the provinces fubject to the Prefidency of Fort St. George, under the denomination of Sayer, Suncums, River duties, or any other term, comprized under the defcription of land cuftoms, whether on tranfit, or confumption, fhall be abolifhed; and a duty on the import and export of goods, and merchandize by land, under the denomination of "frontier duty", and "Town duty", fhall be levied, in the territories fubject to the Prefidency of Fort St. George, under the provifions contained in this regulation.

*The duty to be levied by the collectors of Revenue.*

III. The collection of the Frontier and Town duties, fhall be entrufted to the Collectors of Revenue.

*Chokies to be eftablifhed in the feveral towns.*

*Number of Towns and Chokies to be regulated under the orders of the Board of Revenue.*

IV. Chokies, for the collection of Town duties, fhall be eftablifhed in the feveral Towns of each Zillah, or Collectorfhip; the number of Towns and Chokies, fhall be regulated by the Collectors, under the orders of the Board of Revenue.

*Chokies to be eftablifhed on the frontiers.*

*Situation and number to be regulated under the orders of the Board of Revenue.*

V. Chokies, for the collection of frontier duties, fhall be eftablifhed on the frontiers of the territories fubject to the Prefidency of Fort St. George; (whether bordering on the fettlements of European nations, or the dominions of native powers;) the fituation, and number of the Chokies, fhall be regulated by the Collectors, under the Orders of the Board of Revenue.

*Names of the Chokies to be publifhed and certified by the collectors.*

*duties not to be collected at any other places.*

VI. The names of the Chokies, which may be eftablifhed, in each Collectorate, under the orders of the Board of Revenue, fhall be publifhed, and lifts, certified by the collectors refpectively, fhall be affixed for general information in each Chokie; and duties fhall not be collected at any other places than at the eftablifhed Chokies.

VII.

VII. *First.*—A Tarif or Table of the prices of goods and merchandize, shall be kept in each Chokie, under the signature of the Collector, for public information.

Tarif to be kept in each Chokie.

*Second.*—The Tarif shall be regulated by the collectors under the orders of the Board of Revenue; subject to the confirmation of the Governor in Council.

Tarif to be regulated by the collectors under the orders of the Board of Revenue subject to the confirmation of the Governor in Council.

VIII. The value of all goods imported or exported shall be ascertained by the Tarif.

The value of all goods to be ascertained by the Tarif.

IX. A frontier duty shall be collected on goods, or merchandize, imported, or exported, at the frontier stations, at the rate of six per cent on the value, to be computed according to the Tarif.

Rate of frontier duty.

X. A Town duty shall be levied on goods, or merchandize, imported into Towns, at the rate of six per cent on the value of such goods, to be ascertained by the Tarif prices.

Rate of Town duty.

XI. Grain imported into Towns shall be charged with a Town duty at the rate of three per cent.

Rate of duty on Grain.

XII. The same goods shall be liable to be charged only once with a frontier duty, and once with a Town duty, in the territories subject to the Presidency of Fort St, George; but goods, on which a frontier duty may have been collected, shall nevertheless be charged with a Town duty, on importation into a town.

The same goods chargeable only once with a Frontier duty and once with a town duty.

Goods on which a Frontier duty may have been collected nevertheless to be charged with a town duty.

XIII. *First.* A duty shall be levied on Beetle, Tobacco, Ganjah, Bang, and Goodauck, when imported into Towns.

A duty to be collected on Beetle, Tobacco, Ganjah, Bang, and Goodauck.

*Second.*

Rate of duty how to be determined.

*Second.* The rate of duty to be levied on each of the Articles described in the foregoing clause, shall be regulated by the Collectors, under the orders of the Board of Revenue; subject to the confirmation of the Governor in Council.

Beetle Nut, Pepper, Cardamums and Sandalwood, to be subject to a haulut duty in the provinces of Malabar and Canara.

rate of duty how to be determined.

XIV. Beetle Nut, Pepper, Cardamums and Sandal-wood, shall be subject, in the provinces of Canara and Malabar, to the payment of a haulut duty; the rate of the duty shall be determined by the Collector, under the orders of the Board of Revenue; subject to the confirmation of the Governor in Council.

Table of the rate of duty on Tobacco Ganjah, Bang, and Goodauck to be kept in each Chokie.

XV. A Table of the rates of duties to be collected on Beetle, Tobacco, Ganjah, Bang and Goodauck, certified by the respective Collectors, shall be kept for public information, in each Chokie.

Table of Haulut duty on Beetle Nut, Pepper Cardamums, and Sandal wood, to be kept in each Chokie.

XVI. A Table of Haulut duty to be paid on Beetle Nut, Pepper, Cardamums, and Sandal-wood in the provinces of Canara and Malabar, shall, in like manner, be kept in the Chokies established in those provinces, and be certified by the Collectors of those districts respectively.

Duty to be collected on goods imported from the Nizams territories to be collected conformably to the treaty of Hydrabad.

XVII. Goods imported from the territories of His Highness the Nizam, shall be charged with an import duty of five per cent only, conformably to the terms of the treaty of Hydrabad, dated the twelfth day of April 1802.

The duty on goods arriving at Chokies to be ascertained and demanded and the goods cleared without delay.

XVIII. On the arrival of goods or merchandize at the Chokies, the duty assessable thereon, shall be ascertained and demanded; and the goods cleared without delay,

XIX.

XIX. Where articles consist of gruff goods, a certain quantity shall be taken and weighed; an average of the whole quantity shall be calculated thereon, and the duty levied on the aggregate.

how to be collected on gruff goods.

XX. *First.* Blank Rowanahs, or Certificates in a prescribed form, bearing the official seal and signature of the Collectors, shall be furnished to the Chokiedars, or subordinate Officers of revenue, entrusted with the collection of the Town duty and Frontier duty.

Blank Rowanahs to be furnished to the Chokiedars.

*Second.* The Rowanahs shall be numbered in the English, Hindustanee and local language of the District respectively.

Rowanahs how to be numbered.

*Third.* A correct Register of Blank Rowanahs, delivered to Chokiedars, shall be kept by the Collectors of Revenue, and a regular return of such Rowanahs, shall be required by the Collectors in the subjoined form from all Chokiedars.

Register of Blank Rowanahs to be kept.

a regular return to be required from the Chokiedars.

## FORM OF RETURN.

| Date of the certificates received from the Collector. | Number of certificates received. | Date of the issue. | Number of the certificates issued. | To whom granted. | Goods from what place brought. | How transported. | | | | Where going. | Sorts of Goods. | | Number and nature Packages. | Quantity of Goods. | Rates per Corge Piece Candy | Total value. | Government Customs received. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Bullocks | Asses | Carts | Coolies | | | | | | | | |

Perfons having paid a duty entitled to a Rowanah.

XXI. Any perfon, having paid the Frontier or Town duty, fhall be entitled to a Rowanah.

A Rowanah for a frontier duty to pafs the goods fpecified in it exception importation into a Town where they become liable to a Town duty.

XXII. The production of a Rowanah, certifying that the Frontier duty has been paid, fhall exempt the goods, defcribed in fuch Rowanah, from the payment of any further duty within the territories fubject to the Prefidency of Fort St. George; except on importation into Towns where Chokies fhall be eftablifhed for the collection of a Town duty, when fuch goods fhall be charged with a Town duty.

A Rowanah for a Town duty to pafs the goods fpecified therein free of duty except on exportation at a frontier ftation

XXIII. The production of a Rowanah, certifying that a Town duty has been paid, fhall exempt the goods defcribed in fuch Rowanah from all further duty, in the territories fubject to the Prefidency of Fort St. George; except on exportation at any of the frontier ftations.

Perfons returning the original Rowanah may have feparate Rowanahs for the goods fpecified therein divided into feparate parcels.

XXIV. *Firft.* Any perfon having imported goods into a Town, paid the Town duty, and obtained a Rowanah for the whole quantity, who may afterwards wifh to divide fuch goods into feparate parcels, fhall be entitled on returning the original Rowanah, to receive feparate Rowanahs for each parcel, certifying that the Town duty has been paid on the goods contained therein.

Perfons having difpofed of part of their goods at a Town entitled to a Rowanah for the remainder on identifying the goods.

*Second.* In like manner, any perfon having difpofed of only part of the goods on which he may have paid the Town duty, and wifhing to proceed with the remainder, fhall, on identifying the goods at the Chokie, and delivering up the original Rowanah, be entitled to a frefh Rowanah for fuch remaining goods certifying that the Town duty has been paid thereon.

XXV.

XXV. Articles of merchandize manufactured or produced within the limits of Towns, where Chokies for the collection of Town duties shall be established, shall be charged with a Town duty.

Articles manufactured in Towns to be charged with a Town duty.

XXVI. Chokiedars entrusted with the collection of Frontier and Town duties, shall be furnished with an official seal, of one inch in diameter, engraved with the name of the Chokie station in the English, Hindustanee, and local language of the province respectively.

Chokiedars to be furnished with official seals.

XXVII. All piece goods passing the frontier Chokies or imported into Towns, where Town duties are collected, or manufactured within the limits of such Towns; shall, on the payment of the duty, be stamped with the official seal of the Chokiedars.

Piece goods produced at the Chokies to be stamped with the official seal of the Chokiedars on payment of the duty.

XXVIII. Chokiedars, employed in the collection of Town duties, shall pass goods, which may be produced to them with a Rowanah, specifying that the Town duty has been paid, on such goods provided the quantity and quality of the goods, shall correspond with the quantity and quality described in the Rowanah; If any of the goods shall be found to differ from those specified in the Rowanah, the whole quantity of goods, attempted to be passed under such Rowanah, shall be subjected to the payment of double duty.

Good corresponding with the Rowanah produced with them to be passed by the Chokiedars,

any goods differing from those specified in the Rowanah to subject the whole quantity to double duty,

XXIX. Chokiedars passing goods on the production of a Rowanah, certifying that a Town duty has been paid on such goods, shall register in the subjoined form, the number of the Rowanah, the official designation of the Collector, whose seal and signature

Chokiedars to register the numbers and description of the Rowanahs presented to them,

to certify on the Rowanah under their ſeal and ſignature that no further duty has been collected,

nature it bears, and the quantity of the goods; and ſhall certify on the Rowanah, under their ſeal and ſignature, that no further duty has been levied on the goods mentioned therein.

REGISTER of ROWANAHS on which goods have been paſſed free in the Month of at the Chokie-ſtation of

| Number of Rowanah. | Bearing the Seal of the collector of | Bearing in addition the Chokie Seal of the ſtation of. | Date of the Rowanah. | Number and nature of Packages. | How tranſported. | Quantity of Goods. | Cuſtoms entered as having been paid. | | | where going. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | P. | F. | C. | | |
| 110 | Zillah Rajamundry. | Ellore in Zillah Maſulipatam, | 18 | Gunny bags. | on Bullocks. | 6 Garce | 15 | 4 | 6 | To guntoor | A difference between the number of Packages brought by the merchant & the number inſerted in the Rowanah owing to |

Articles exempt from the payment of frontier and Town duties.

XXX. The undermentioned articles whether imported or exported, ſhall be exempt from the payment of frontier and town duties, throughout the territories ſubject to the Preſidency of Fort St. George.

Goods the property of the Honorable Company on the production of a Certificate from the Commercial Officer.

Cotton and Cotton Thread.

Horſes, Elephants, Cattle, and live ſtock of every deſcription,

Treaſure,

Precious Stones, Jewels,

Europe Wines and Cordials,

Wheel Carriages.

Houſhold Furniture,

Charcoal.

Chunam,

Bricks,

Bricks,
Tiles,
Firewood,
Bratties,
Straw,
Vegetables,
Milk.

*Second.* The firſt ſeven articles of merchandize paſſed free of duty, ſhall neverthelefs be regiſtered.

The firſt ſeven articles neverthelefs to be regiſtered,

XXXI. Military ſtores ſhall not be ſuffered to paſs the Chokies, unleſs accompanied by regular certificates, conformable to the General Orders which have been, or may be publiſhed, by the authority of the Governor in Council, reſpecting the tranſit of ſtores, of that deſcription.

Military ſtores not to paſs the chokies unleſs accompanied by regular certificates,

*Second.* Military ſtores ſhall be conſtrued to comprehend.

Salt Peter,
Sulphur or Brimſtone,
Cannon,
Muſquets,
Carbines,
Bayonets,
Bullets,
Lead,
Matchlocks,
Piſtols,
Swords,
Pikes,
Spears,
Nyrs Knives.

Military stores imported from foreign settlements to be seized.

*Third.* Articles of the above description attempted to be imported from foreign settlements, or from the territories of native princes, shall be seized, and the circumstances reported without delay, to the Board of Revenue.

Officers employed in the collection of the Frontier and Town duties to be furnished with written instruments signed and sealed by the collectors.

any persons levying duties without such authority liable to punishment.

persons levying more than the authorized duties liable to punishment.

XXXII. Officers employed in the Collection of the duties established by this Regulation, shall be furnished with a written instrument, signed and sealed by the Collector of the District in which they may be employed; and any person or persons, levying, or attempting to levy duties without such written authority; or any person or persons furnished with a written authority levying, or attempting to levy, more than the duties established by this Regulation, shall, on conviction before the Court of the Zillah in which the act may have been committed, or if no Zillah Court shall have been established, before the Collector of the District, be compelled to repay three times the sum of money or value of the thing or things, exacted together with costs of suit, to the person from whom the exaction may have been made.

The levy of fees and Russooms to cease persons attempting to levy them liable to be punished in like manner as for levying unauthorized duties.

XXXIII. The levy of fees or Russooms under various denominations from merchants, for charitable or other purposes, shall henceforth cease, and any person collecting unauthorized fees or Russooms shall be liable to punishment, in like manner as persons levying duties without authority, as provided by the foregoing Section.

The duties established by this Regulation unconnected with the duties established at Madras.

XXXIV. The duties established by this Regulation are hereby declared to be unconnected with the duties established at Madras by Regulations IX. and X. of 1803, and goods on which the duties established by this regulation, may have been

paid

paid, ſhall nevertheleſs be liable, on importation at Madras, to be charged with the duties eſtabliſhed at that place.

XXXV. Copies of this Regulation with tranſlations in the native languages, ſhall be publicly affixed in all Chokies, eſtabliſhed for the collection of duties.

Copies of the Regulation with tranſlations in the native languages to be affixed in each chokie.

# A REGULATION

FOR TRANSFERRING THE

## ZEMINDARY OF OOPADAH

TO THE

*JURISDICTION OF THE ZILLAH COURT OF RAJAHMUNDRY.*

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE.*

ON THE 18TH NOVEMBER 1803.

# A. D. 1803. Regulation XIV.

A REGULATION *for transferring the Zemindary of Oopadah to the jurisdiction of the Zillah Conrt of Rajahmundry, passed by the Governor in Council on the 18th November 1803.*

BY Regulation 3d, 1803; provision was made for defining the limits of the Zillah Courts of Vizagapatam and Rajahmundry respectively: and whereas from the local situation of the Zemindary of Oopadah which is included under the provisions of the above Regulation in the Jurisdiction of the Zillah of Vizagapatam, it has been found expedient for the convenience of the Inhabitants of the said Zemindary, and for the purposes of justice, that it should be transferred to the jurisdiction of the Zillah Court of Rajahmundry, wherefore the following Regulation has been enacted for that purpose.

II. *First.* The Zemindary of Oopadah shall be in future included in the jurisdiction of the Zillah Court of Rajahmundry, the limits of which Court as prescribed in Section 5th, Regulation 3d, 1803; shall accordingly be extended, so as to include the portion of territory known by the name of the Oopadah Hoondah or Estate.

The Zemindary of Oopadah in future to be included in jurisdiction of Rajahmundry.

*Second.*

Demarcation for Vizagapatam not to be changed.

*Second.* The line of demarcation prescribed by Section 6th of the foregoing regulation for the Zillah Court of Vizagapatam, shall not be changed further than may be necessary for the exclusion from the limits of that Zillah of the Zemindary of Oopadah, as enacted by the preceding clause.

All suits in Court of Adawlut to be transferred to Rajahmundry.

III. All suits which may have arisen within the limits of the above Zemindary, and which may be depending before the Court of Adawlut in the Zillah of Vizagapatam, shall be transferred together with the papers and documents connected with such suits, to the Zillah Court of Rajahmundry, and the Judge is empowered to proceed in the trial of the causes in like manner, as if the suits had been instituted in the first instance in the Court under his authority.

The Judge of that Court to proceed in the trial of them.

# A. D. 1803. REGULATION XV.

## A REGULATION

FOR DETERMINING THE PUNISHMENT TO BE ADJUDGED

*BY THE CRIMINAL COURTS OF JUDICATURE*

IN CASES WHEREIN A DISCRETION

*Is left by the Mahomedan Law,*

FOR DEFINING THE CRIME AND PUNISHMENT OF ROBBERY BY OPEN VIOLENCE, AND FOR DECLARING WHAT CONVICTS SHALL BE HEREAFTER LIABLE TO TRANSPORTATION, OR TO BANISHMENT,

*ASWELL AS THE PUNISHMENT OF SUCH*

AS MAY RETURN FROM TRANSPORTATION OR ESCAPE FROM CONFINEMENT

During the period of their Sentences.

PASSED BY THE

GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 30TH DECEMBER 1803,

*Corresponding with the 17th Margaly of the 1825th Year of Saliwakana and with the 16th Rumzan 1218 Hejeree.*

# A. D. 1803. Regulation XV.

A REGULATION *for determining the puniſhment to be adjudged by the Criminal Courts of Judicature, in caſes wherein a diſcretion is left by the Mahomedan Law for defining the crime and puniſhment of robbery by open violence, and for declaring what convicts ſhall be hereafter liable to tranſportation, or to baniſhment, as well as the puniſhment of ſuch as may return from tranſportation, or eſcape from confinement, during the period of their ſentences. Paſſed by the Governor in Council on the 30th December 1803, correſponding with the 17th Margaly of the 1825th year of Saliwakana, and with the 16th Rumzan 1218 Hejeree.*

THE Mahomedan Law veſts in the Sovereign and his delegates the power of ſentencing criminals to ſuffer diſcretionary puniſhment, (under the legal denominations of tazeer, acoobut and ſeeaſut) in three caſes,—*Firſt*, in the caſe of offences for which no ſpecific penalty, of hud or Kiſſaas has been provided by the law, being for the moſt part offences not of a heinous nature, the puniſhment of which is left diſcretionary, below the meaſure of the ſpecific penalties, for the correction and amendment of the offender,—*Secondly*, for crimes within the ſpecific proviſions

of

of hud and Kissaas; when the proof of the commission of such crimes may not be such as the law requires for a judgment of the specific penalties, though sufficient to establish a strong presumption of guilt; or although the proof be such as is required for a sentence of hud or Kissaas, when such sentence is barred by remission of the claim to retaliation in cases of Kissaas, or by any of the special exceptions and scrupulous distinctions, which (under the general denomination of Shoobah) are considered by the prevalent authorities of Mahomedan law to bar a judgment for the specific penalties of that law—*Thirdly*, for heinous crimes in a high degree injurious to society; and particularly for repeated offences of this description; which for the ends of public justice (as expressed by the term seeasut) may appear to require exemplary punishment beyond the prescribed penalties; and with respect to crimes of this description, an unlimited discretion extending to capital punishment is admitted to have been left by the Mahomedan law, to the sovereign authority of every country in which that law prevails, as well as to its judiciary delegates—In the adjudication of punishments under the discretion thus allowed by the Mahomedan law, especially in the second of three cases above stated, it has been observed, that the futwahs of the Mahomedan law Officers of the criminal courts are often governed by a consideration of the degree of proof against the party accused; rather than the degree of guilt and criminality of the act, established against him; and the penalties awarded by them in such cases are either adjudged on insufficient proof of guilt, or are inadequate to the heinousness of the offence of which the prisoner is convicted. It is therefore necessary that provision be made for determining the punishment to be adjudged by the criminal courts in all cases wherein a discretion is left by the Mahomedan law, as well

to

to guard against the infliction of any punishment without sufficient evidence of guilt; as to maintain the uniform and adequate punishment of offenders when convicted, according to the criminality of the offences established against them—It is further requisite to define the crime and punishment of robbery by open violence, under the continued prevalence of this atrocious crime; which is frequently attended with murder, or with maiming or other personal injury; as well as with the crime of arson or wilful burning of houses; and other aggravating circumstances; and for the punishment of which the specific provisions of the Mahomedan law, under the distinctions admitted to except offenders from the stated penalties, as well as from a distinction in the received construction of that law, between highway robbery at a distance from any inhabited place; and robberies not committed on or near the highway; or committed in or near any place inhabited; have been found altogether inadequate--In the case of murder committed by one or more robbers on the highway (kutta-ool-tureek) at a distance from any inhabited place, the whole of the principals and accomplices are subject, by the Mahomedan law (under its specific provision of hud, or stated punishment by the Right of God; being in other words exemplary punishment inflicted for the prevention of crimes, which is the end of public justice); to a sentence of death the same punishment in this instance, is inflicted on the whole band in consideration of each of them being aiding and abetting to the others; and this principle is allowed by some of the Mahomedan lawyers, as obviously applicable to all murders and other crimes committed by open violence; and by a number of persons, assisting and supporting each other, whether on the highway remote from, or near to an inhabited place; or within a place inhabited; or in any other place whatever, but according to the prevailing doctrines this provision of the Mahomedan law, as well as the provisions it contains for the punish-

ment

ment of highway robbery without murder, by amputation of two limbs, cannot be applied to murders or robberies, committed in any other place than on or near the highway; at a distance from any place inhabited; and even with respect to these it is held that the specific punishment is barred by any one of the band of robbers being under age; or a lunatic; or a relation within the prohibited degrees, of the person robbed or murdered; or by the person robbed or murdered not being a fixed resident, under the permanent protection of the Mussulman Government; or with respect to robberies by one of the robbers having a joint interest in the property plundered; or such property not being considered in legal custody with respect to any one of the robbers; or lastly, with regard to the separate punishment of each robber, if his share of the property taken shall not amount in value to ten dirms; being according to the received calculation of the dirm, somewhat less than three Sicca Rupees—These distinctions are evidently repugnant to the principles of public and equal justice; and it is highly requisite that provision be made for the more certain and adequate punishment of the heinous crimes of murder and robbery; as well as of robbery with or without any other acts of aggravated criminality; wheresoever the same may be committed moreover, the rules at present in force for the transportation of convicts who escape from confinement and are re-apprehended as well as of other convicts, sentenced to short periods of imprisonment, have been found open to objection; and it is judged adviseable that none except persons convicted of heinous offences, and sentenced to be imprisoned for life, shall be hereafter transported beyond sea; substituting banishment from the district in which the offenders place of abode may be situated, with hard labour in the public works, for convicts sentenced to limited imprisonment; and in consideration of the

nature

nature of their offences deemed proper objects of this mode of punishment. The Right Honorable the Governor in Council has accordingly, for the several reasons and purposes aforesaid, enacted the following rules to be in force from the time of their promulgation in the provinces subject to the Government of Fort St. George.

Futwah to be given by law officers of the Courts of Circuit in all cases of discretionary punishment.

II. *First.* In all trials before the Courts of Circuit wherein the Mahomedan law officers of those Courts may consider the prisoner liable to discretionary punishment, (tazeer, acoobut, or seeasut;) their futwah shall declare the same generally with a statement of the grounds on which the prisoner is adjudged subject to discretionary punishment, leaving the measure of punishment, in such cases, to be determined by the Judge of Circuit, before whom the trial may be held, or by the Court of Foujdarry Adawlut, under the provisions contained in this or any other regulation.

Sentence to be passed in such cases if the crime have been provided for by any Regulation.

*Second.* If the crime, for which the prisoner is declared liable to discretionary punishment in such cases shall have been specially provided for by any subsisting regulation, denouncing the penalty to be adjudged on proof of the commission of such crime; and the Judge before whom the trial may be held, shall consider the crime to have been established against the prisoner; whether by his free and voluntary confession; or by the testimony of credible witnesses, or by strong circumstantial evidence; he shall sentence the prisoner to suffer the punishment for such crime prescribed by the regulations; or, if the case be referable under the regulations for the sentence of the Foujdarry Adawlut, shall transmit the trial with his opinion thereupon to that court.

*Third.*

Second futwah to be required and ſentence paſſed thereupon if the crime have not been provided for by any Regulation but be ſpecifically provided for by the Mahomedan law and the penalty of hud or Kiſſaas is not adjudged from the priſoners being convicted on preſumptive proof not on full legal evidence.

*Third.* If the crime for which the priſoner is declared liable to diſcretionary puniſhment ſhall not have been ſpecifically provided for by any regulation denouncing the penalty to be adjudged on proof of the commiſſion of it; but be ſuch as would have ſubjected the priſoner to the ſpecific penalty of hud or Kiſſaas provided by the Mahomedan law, if he had been convicted by full legal evidence; and the futwah of the law officer ſhall declare him liable to diſcretionary puniſhment in conſequence of the evidence not being ſuch as the Mahomedan law requires for a ſentence of hud or Kiſſaas; though ſufficient to convict the priſoner on ſtrong preſumptive proof (ghalil-oozun;) the Judge before whom the trial may be held provided he concur in the conviction of the priſoner, ſhall require the law officer to declare by a ſecond futwah to what ſpecific puniſhment (of hud or Kiſſaas) the priſoner would have been liable under the Mahomedan law if he had been convicted by full legal evidence, and ſhall proceed thereupon to paſs ſentence according to ſuch ſecond futwah (commuting the puniſhment if any regulation require it;) or if the caſe be referable for the ſentence of the Foujdarry Adawlut ſhall tranſmit the trial with his opinion to that court.

Similar mode of proceeding to be obſerved when the crime may not have been provided for by any Regulation and ſentence of hud or Kiſſaas is barred by ſome legal exception or diſtinction not affecting the nature of the offence and repugnant to juſtice.

*Fourth.* The Judge before whom the trial may be held ſhall proceed in like manner as directed in the preceding clauſe when the crime of which the priſoner is convicted (whether upon full legal evidence or upon ſtrong preſumptive proof), may not have been ſpecifically provided for by any regulation; but would ſubject the priſoner to the ſpecific penalty of hud or Kiſſaas provided by the Mahomedan law if the ſentence againſt him for ſuch penalty were not barred by ſome ſpecial exception, or ſcrupulous diſtinction, (Shoobah), not affecting the nature and criminality of the offence, and evidently repug-

nant

nant to the principles of equal juſtice in conſequence of which bar to adjudgment for the ſpecific penalty, the priſoner is declared liable to diſcretionary puniſhment, in ſuch caſes the law officer is to declare by a ſecond futwah to what puniſhment the priſoner would have been liable under the Mahomedan law for the crime committed by him if the ſpecial exception or diſtinction by which hud or Kiſſaas is barred in the particular caſe had not exiſted; and the Judge is to proceed thereupon as directed in the preceding clauſe.

Explanation of this ſection in caſes where the ſpecific penalty is remitted or mitigated by the Mahomedan law in conſideration of circumſtances which alter the nature and diminiſh the criminality of the offence.

*Fifth.*—Nothing in this ſection however ſhall be conſtrued as authorizing a ſentence of diſcretionary puniſhment exceeding or equal to the ſpecific puniſhment preſcribed by the Mahomedan law in caſes where ſuch ſpecific penalty is remitted or mitigated by the proviſions of the Mahomedan law in conſideration of circumſtances which alter the nature and diminiſh the criminality of the offence unleſs ſuch enhanced or equal puniſhment for the crime in queſtion ſhall have been expreſsly denounced by ſome Regulation in modification of the Mahomedan law.

Further explanation that no puniſhment is to be inflicted upon ſuſpicion only or weak preſumption of guilt not ſufficient for conviction.

*Sixth.*—Nor ſhall any part of the preſent Regulation be conſidered to authorize the infliction of any puniſhment whatever upon ſuſpicion only (termed by the Mahomedan lawyers whum ſheck, Shoobah Zaeefah) when the evidence againſt the priſoner is undeſerving of credit, or the preſumption of his guilt ariſing from credible teſtimony or circumſtantial evidence, is weak, and does not amount to the degree of ſtrong preſumption, held ſufficient for conviction; recognized as ſuch in the Mahomedan law under the denomination of ghalib-oo-ran, akbeer-oo-race and Shoobah-u-curvee or ſhooded when the Judge before whom a priſoner may be tried ſhall not conſider him convicted on ſuch

preſumptive

presumptive proof; or on the evidence of credible witnesses; or on his own confession he shall not sentence the prisoner to suffer any punishment whatever may be the futwah of the law officer but in cases of strong suspicion, though not amounting conviction, as well as upon proof of notorious bad character the Judge of Circuit may direct the Zillah Magistrate to detain the prisoner in custody until he shall give sufficient security for his future good behaviour and appearance when required.

But Courts of Circuit in cases of strong suspicion and notorious bad character may direct security to be taken for future good behaviour and appearance.

Courts of Circuit how to proceed in cases of conviction and discretionary punishment not specifically provided for by any Regulation; or by the Mahomedan law.

*Seventh.*—If the crime of which a prisoner is convicted and for which he is declared liable to discretionary punishment shall neither have been specially provided for by any regulation; nor by any stated penalty in the Mahomedan law; and the Judge before whom the trial may be held shall consider the crime to have been established against the prisoner and deserving of punishment he shall after consulting with the law Officer, respecting the measure of punishment which under the discretion left by the law, and the whole of the circumstances of the case should be inflicted upon the prisoner, adjudge the prisoner to suffer such punishment as may appear adequate to his guilt and the nature of the offence of which he is convicted not exceeding corporal punishment of thirty nine stripes and imprisonment with hard labour for the term of seven years if in any instance this degree of punishment appear to the Judge of Circuit insufficient in a case not specifically provided by the Mahomedan law or the regulations he shall transmit the trial with his sentiments thereupon to the Court of Foujdarry Adawlut.

What persons shall be deemed guilty of the crime of robbing by open violence and on conviction how punishable for such crime with or without circumstances of aggravation.

III. *First.*—Any person or persons who shall in the day or in the night go forth with any offensive weapon, or in any gang with or without any offensive weapon with the criminal intent of committing robbery and shall by force or intimidation

midation rob or attempt to rob any person or perſons on or near an highway; or on a river, lake or other water; or in or near a city, town, or village, or in any other place whatever; or ſhall attack by open violence and rob or attempt to rob, any dwelling houſe or other houſe or building; or any tent, boat or other receptacle of perſons or property ſhall be deemed guilty of the crime of robbery by open violence (denominated in the Mahomedan law Suruca-i-Kobra and more commonly Shub-Khonee or Duckytee) and on due conviction thereof whether by free and voluntary confeſſion, or by the teſtimony of credible witneſſes, or by ſtrong circumſtantial evidence, ſhall be adjudged to ſuffer ſuch of the penalties declared in the next Section, as may be applicable to the caſe, viz. according as the robbery may be with or without homicide, wounding, maiming, or other perſonal injuries; or with or without other circumſtances of aggravation.

In ſuch caſes the puniſhment not to depend upon the property plundered; nor to be affected by any of the circumſtances noticed in the preamble to this regulation, nor by any other proviſions in the Mahomedan law provided the party convicted be a proper object of puniſhment.

*Second.*—In ſuch caſes of robbery by open violence the puniſhment of the offenders ſhall not depend upon the amount value or deſcription of the property plundered nor ſhall any of the circumſtances noticed in the preamble to the regulation as barring a ſentence of hud under the Mahomedan law in caſes of highway robbery, nor any other proviſion in that law be hereafter allowed to operate againſt the puniſhment of perſons convicted of highway robbery or of any robbery by open violence as defined in the preceding clauſe of this Section; or of murder or other acts of criminality committed in the proſecution of ſuch robbery; or of an intend to rob, provided as in all other caſes of criminal conviction and puniſhment that the party convicted be adult and of ſound underſtanding, ſo as to render him a proper object of puniſhment.

*Third.*

Courts of Circuit how to proceed upon the futwahs deliver-ed by the law officer in all such cases.

*Third.*—In all ſuch caſes of conviction of robbery by open violence or of murder or other criminal acts, done in proſecu-tion of ſuch robbery or of an intent to rob; if the law officer of the Court of Circuit declare the priſoner liable to diſcretio-nary puniſhment; the judge before whom the trial may be held, is to proceed as directed in Clauſe Second, Section II. of this re-gulation. If the law Officer declare the priſoner liable to ſuffer death under the Mahomedan law, the Judge is to refer the trial to the Court of Foujdarry Adawlut, with his opinion as directed by the exiſting Regulations, or if the law Officer declare the priſoner liable to amputation of limb under the Mahomedan law the judge is either to refer the trial for the ſentence of the Foujdarry Adawlut; or to commute the puniſhment and paſs ſentence againſt the priſoner in conformity to the enſuing Sec-tion; according to the degree of puniſhment to be adjudged or any proviſion in the Regulations may require a reference of the trial for the ſentence of the Foujdarry Adawlut or other-wiſe.

What Judgement to be paſſed in caſes of murder committed in the proſecution of robbery or an intent to rob.

IV. *Firſt.*—All perſons convicted of being the heads or lead-ers of a gang of robbers by whom a murder may have been committed or of having been actively concerned in the perpetra-tion of ſuch murder; or of any murder committed in the pro-ſecution of robbery, or an intent to rob, or of having been pre-ſent, aiding and abetting when ſuch murder was committed; or though not preſent of having procured and cauſed by hire, counſel, or command the perpetration of ſuch murder, in pur-ſuance of a preconcerted plan to commit the ſame, or to com-mit robbery; ſhall be adjudged to ſuffer death.

Judgement to be given in caſes of wounding maiming or other perſonal in-jury torture or cruel-

*Second.*—All perſons convicted of being the heads or leaders of a gang of robbers by whom any perſon may have been wounded

wounded, maimed, burnt or ſubjected to other perſonal injury, torture or cruelty, not occaſioning hom icide, or by whom a dwelling houſe or houſes may have been ſet on fire, or any other criminal and aggravating act committed in the proſecution of a robbery or intent to rob, as well as perſons convicted of having been been actively concerned in any of the acts aforeſaid, done in proſecution of a robbery or intent to rob ; or of having been preſent aiding and abetting when any ſuch acts were committed or though not preſent, of having procured and cauſed by hire, counſel, or command the perpetration of any ſuch acts in purſuance of a preconcerted plan to commit the ſame or to commit robbery, ſhall be adjudged to ſuffer impriſonment and tranſportation for life, moreover any leaders of gangs, or other heinous offenders convicted of a repetition of the crime deſcribed in this clauſe ; or without ſuch repetition of a degree of cruelty, violence or other aggravating criminality which under the diſcretion allowed by the Mahomedan law in caſes of ſeeaſut may be puniſhable with death and which may appear to the Court of Foujdarry Adawlut to render ſuch heinous offenders deſerving of capital puniſhment ſhall be liable to a ſentence of death.

ty not occaſioning homicide or of arſon or other criminal and aggravating & acts, committed in the proſecution of a robbery or intent to rob.

Proviſion for caſes of repetition and other heinous caſes within this clauſe.

*Third.* All perſons convicted of being the heads or leaders of a gang of robbers by whom a robbery may have been committed without homicide and without any perſonal injury or other act of aggravation as ſpecified in the preceding clauſe ; or by whom any violent attempt ſhall have been made to commit ſuch robbery though not effected as well as perſons convicted of having been actively concerned in any ſuch robbery or attempt to rob or having been preſent, aiding and abetting at ſuch robbery, or attempt to rob or though not preſent, of having procured and cauſed by hire, counſel or command the perpetrati-

Judgement to be paſſed in caſes of robbery or an attempt to rob without homicide and without any perſonal injury or other act of aggravation.

on

on of ſuch robbery, or attempt to rob, in purſuance of a pre-concerted plan for this purpoſe; ſhall be adjudged to ſuffer impriſonment and hard labour for the period of fourteen years.—The Court of Foujdarry Adawlut are further impowered to extend their ſentences to impriſonment and tranſportation for life, upon any leaders of gangs, or other offenders, convicted of a repetition of the crime deſcribed in this clauſe or without ſuch repetition, if from proof of the notorious bad character of the party convicted or on conſideration of any other circumſtance appearing upon the trial to aggravate the guilt of any particular priſoner and evince the danger of his future depredations, if ſet at liberty, it ſhall in the judgement of that Court, be juſt and neceſſary to inflict a more ſevere puniſhment than impriſonment and labour for the term of fourteen years.

Proviſion for caſe of repetition notorious bad character aggravation of guilt within this clauſe.

Judgement to be given againſt perſons going forth to rob but apprehended before they have committed robbery or made any attempt to rob.

*Fourth.* Perſons convicted of going forth with a gang of robbers for the purpoſe of committing robbery, but apprehended before they have committed ſuch, or have made any violent attempt for the purpoſe, ſo as to bring them within the proviſion contained in the preceding clauſe, ſhall be adjudged to ſuffer impriſonment and hard labour for ſuch period not exceeding ſeven years, as the circumſtances of the caſe may appear to merit.

General proviſion for a mitigation of puniſhment under the ſeveral clauſes of extenuation or when the example may appear ſufficient for the ends of juſtice without extending the full puniſhment to the whole of the priſoners convicted.

*Fifth.* Provided with reſpect to all the crimes, and degrees of puniſhment, ſpecified in the ſeveral clauſes of this Section, if from any extenuating circumſtances which may appear on the trial before the Courts of Circuit or Court of Foujdarry Adawlut, the ſtated puniſhment ſhall in any particular inſtance appear too ſevere or if on conſideration of the number of priſoners convicted of the ſame crime and of any diſcriminative circumſtances with reſpect to one or more of them, the

example

example ſhall appear ſufficient for the ends of Juſtice without extending the full degree of the preſcribed puniſhment to the whole of the priſoners convicted, it ſhall be competent to the Court of Foujdarry Adawlut, or to the Court of Circuit, if the trial be not referable under the Regulations to the Foujdarry Adawlut to mitigate the ſentence, in ſuch caſes as may be deemed juſt and expedient.

Further proviſion for the caſes of any priſoners who may appear proper objects of mercy and pardon.

*Sixth.* The Courts of Circuit are alſo to report to the Foujdarry Adawlut and the Court if it appear neceſſary will report to the Governor in Council the caſe of any priſoner or priſoners who may appear proper objects of mercy and pardon, or if the puniſhment to which they are ſentenced ſhall not have been adjudged under any proviſion of the Mahomedan law, or the Regulations expreſsly requiring the ſame, the Court of Foujdarry Adawlut as already authorized may remit the puniſhment, and order the diſcharge of the priſoner, without reporting the caſe for the orders of the Governor in Council.

Preceding Section not applicable to larceny without open violence, whether accompanied with burglary or ſimple theft from the perſon or houſe.

V. *Firſt.*—No part of the preceding Section ſhall be conſidered applicable to ſecret theft or larceny, without open violence, (Senucai-ſogra;) whether accompanied with burglary (Mucub-Zunee,) or ſimple theft from the perſon or houſe unaccompanied with any aggravating circumſtances. In ſuch caſes the Mahomedan law, with the modifications of it in the exiſting Regulations and the rules contained in Section II. of this Regulation when the priſoner may be declared liable to diſcretionary puniſhment, ſhall govern the ſentences of the Courts of Circuit, as well as of the Foujdarry Adawlut in any caſes refered to that Court.

The Mahomedan law with the modification of it in the exiſting Regulations and Section II. of this Regulation to govern the ſentences of the criminal courts in ſuch caſes.

Second

But murder, or wounding or other personal injury and any other criminal acts of violence done in prosecution of an original intention to commit theft declared liable to the same punishment as specified in the preceding Section, for the same acts of criminality committed in prosecution of robbery by open violence.

*Second.* But in the case of a burglarious entry or any entry by night into a dwelling house or other house, or into a tent, boat, or other receptacle of persons and property; for the purpose of committing theft therein, although such entry may have been made in the first instance without any open violence; if any person or persons shall after having entered, be guilty of murdering, wounding, maiming, torturing or otherwise doing personal injury to any person or persons, or of any other criminal act of violence, done in the prosecution of the original intention to commit theft; the parties convicted, as principals or accomplices, of such murder, wounding, maiming or other acts of criminality and violence done in the prosecution of theft shall be liable to the same punishment as has been declared in the preceding Section: for the same acts of criminality committed in prosecution of robbery by open violence and the several provisions contained in that Section, as well as in Section III. of this Regulation, are accordingly declared equally applicable to the cases herein specified.

What trials shall be hereafter transmitted by the Courts of Circuit to the Foujdarry Adawlut.

VI. *First.*—The Courts of Circuit, shall transmit to the Court of Foujdarry Adawlut as heretofore, all trials in which the prisoner or prisoners may be convicted and liable to a sentence of perpetual imprisonment, or death; as well as in all cases, wherein the Judges of the Courts of Circuit may disapprove the futwah given by their law officers, and may not have been expressly authorized by this, or any other Regulation to pass sentence, notwithstanding such futwah either for the punishment of the prisoner, or for his acquittal, discharge, either with or without security.

In what trials referable to the Foujdarry Adawlut the Judge of Circuit is not to pass sentence.

*Second.* In trials referable to the Foujdarry Adawlut, if the Judge of Circuit disapprove the futwah given by his law officer

officer, or if the prifoner or prifoners convicted, or any of the prifoners convicted on the fame trial be liable to a fentence of death, the Judge fhall not pafs any fentence (except for the acquittal and difcharge of any prifoners not convicted) but fhall tranfmit the trial with his opinion thereupon for the fentence of the Foujdarry Adawlut—If the Judge of Circuit concur with his law officer in the conviction of the prifoner, or prifoners, and none of them be liable to a fentence of death, the Judge fhall pafs fentence on the prifoner or prifoners. But fuch fentences, in all trials referable to the Foujdarry Adawlut fhall not be deemed final, nor fhall any warrant be iffued for carrying the fame into execution, until they be confirmed by the Court of Foujdarry Adawlut—moreover whenever the trial of a principal in any crime may be refered for the fentence or confirmation of the Foujdarry Adawlut whether under the prefent, or any other Regulation; and an accomplice in the fame crime fhall have been brought on trial and convicted at the fame time with the principal, the Courts of Circuit fhall not carry into execution their fentence upon the accomplice fo convicted, but fhall wait the confirmation, or final fentence of the Foujdarry Adawlut, as well refpecting the accomplice as the principal, provided however that this reftriction be not underftood to prevent the Judges of the Courts of Circuit from directing the releafe of any prifoners, charged as accomplices, whom they may acquit of fuch charge, in concurrence with their law officer, notwithftanding the reference of the trial of the principal to the Court of Foujdarry Adawlut.

In what trials referable to the Foujdarry Adawlut, the Judge of Circuit is to pafs fentence.

Such fentences not to be deemed final, nor put in execution till confirmed by the Foujdarry Adawlut.

Sentences upon accomplices convicted with principals whofe trials may be referred to the Foujdarry Adawlut alfo fubject to the confirmation or final fentence of the Foujdarry Adawlut.

But this reftriction not to prevent a final fentence of acquittal upon prifoners not convicted before the Court of Circuit or the releafe of fuch Prifoners.

*Third.* Whenever the Judges of the Courts of Circuit may refer to the Court of Foujdarry Adawlut the trial of a prifoner or prifoners whom they may confider proper objects of capital punifhment under claufe fecond of Section IV. of this Regulation.

Rule to be obferved by the Judges of Circuit in refering to the Foujdarry Adawlut the Trial of any Prifoners whom they may confider proper objects of an extenfion, mitigation or remiffion, of punifh-

ment under Section IV. of this Regulation or in any case whatever.

Regulation, or of imprisonment for life under Clause third of that Section, or of a mitigation of punishment under Clause fifth of that Section, or of an extension, mitigation or remission of punishment in any case whatever, they shall be careful to notice the same in their letters, accompanying the trials refered, and shall state at large the grounds of their judgment whether for or against the prisoner with such of the facts and circumstances in evidence upon the trial, as may be necessary to explain the case of the prisoner, whose punishment is proposed to be extended, mitigated or remitted.

Futwah to be given by the law officer of Foujdarry Adawlut in all cases of discretionary punishment.

VII. *First.* In all trials transmitted by the Courts of Circuit, to the Court of Foujdarry Adawlut in which the Mahomedan law officers of that Court may consider the prisoner or prisoners liable to discretionary punishment, they shall declare the same generally, with a statement of the grounds on which prisoner or prisoners may be adjudged by them subject to discretionary punishment: leaving the measure of punishment in such cases to be determined by the Judges of the Foujdarry Adawlut under the provisions contained in this, or any other existing Regulation.

Provision for such cases in Clauses Second to sixth of Section II. of this Regulation declared equally applicable to trials before the Foujdarry Adawlut, as in the same cases before the Courts of Circuit with mode of proceeding to be observed by the Foujdarry Adawlut, in such cases.

*Second.* The several provisions made by Clauses second, third, fourth, fifth and sixth, of Section II. of this regulation, for the guidance of the Court of Circuit, in cases wherein their law officers may declare a prisoner or prisoners liable to discretionary punishment and whenever a specific punishment may have been fixed and declared by the Regulations, or wherein the specific penalties of the Mahomedan law may be withheld on the ground of the evidence against the prisoner not being such as the law requires for a sentence of hud or Kissaas, though sufficient to convict the prisoner on strong pre-

presumptive proof or wherein the sentence of hud or Kissaas is barred against the prisoner though fully convicted by some special exception or distinction, not affecting the nature and criminality of the offence, and evidently repugnant to the principals of equal justice, shall be considered equally applicable to all cases of the same description wherein the law officers of the Foujdarry Adawlut in any trials before that Court may declare the prisoner or prisoners' liable to discretionary punishment and the Judges of that Court are to pass sentence accordingly after taking a second futwah from their law officers in cases which may require it.

Authority of the Foujdarry Adawlut to pass sentence not extending to capital punishment in trials refered under Clause seventh Section II. of this Regulation viz. when the crime may not have been specifically provided for by the Regulation by the Mahomedan law, but is punishable at discretion under that law

*Third.* In trials refered to the Foujdarry Adawlut under Clause seventh, Section II. of this Regulation, viz.' when the crime of which the prisoner is convicted and for which he is declared liable to discretionary punishment shall not have been specifically provided for either by the Regulation or by any stated penalty in the Mahomedan law, the Judges of the Foujdarry Adawlut, provided the offence be punishable at discretion under the Mahomedan law and they shall be satisfied of the conviction of the prisoner; are authorized to pass such sentence upon the prisoner not extending to capital punishment as they may deem adequate to the crime of which he is convicted and consonant to the general principles of justice, on due consideration of all the circumstances of the case, the Court shall at the same time propose to the Governor in Council a Regulation to fix and declare the specific punishment of any crimes of magnitude, which may be found not to have been specifically provided for either by the Mahomedan law or by the Regulations and which may appear to call for an express denunciation of the penalty to be incurred by committing the same.

The Court at the same time to propose a Regulation to fix and declare the specific punishment of any crime of magnitude if appear requisite.

*Fourth*

The provisions in Section III. IV. and V. of this Regulation to go on the Sentences of the Foujdarry Adawlut in the cases therein specified.

*Fourth.* The provisions contained in Section III. IV. and V. of this Regulation shall govern the sentences of the Court of Foujdarry Adawlut in the cases therein specified, and the judges of the Court are authorized to adjudge the state punishment whatever may be the futwah of their law officers, provided, that it shall declare the prisoner or prisoners to have been convicted of the crimes, incurring the stated penalties either on free and voluntary confession, or on the testimony of credible witnesses, or on strong circumstantial evidence (sufficient to establish ghalibzun or violent presumption of GUILT) and provided the Judges of the Foujdarry Adawlut shall see no cause to disapprove such conviction of the prisoner or prisoners, or to mitigate, or remit the specified punishment.

In what cases the Judges of the Foujdarry Adawlut may confirm the sentence passed upon a prisoner by Court of Circuit and confirmed by the futwah of the Officers of the Foujdarry Adawlut without a revision of the proceedings held upon the trial,

*Fifth.* In cases not incurring capital punishment where a prisoner may be declared by the futwah of the law officer to the Court of Circuit to have been convicted and the Judge of Circuit, before whom the trial has been held shall concur in considering the guilt of the prisoner to have been proved and shall consider the prisoner a proper object of the punishment to which he is liable under the Mahomedan law or the regulations, and shall pass sentence upon him accordingly) as required in such cases by Clause second of Section VI. of this Regulation) and the law officers of the Foujdarry Adawlut, on consideration of the proceedings held upon the trial, shall also be of opinion that the guilt of the prisoner has been established; and the sentence passed upon him by the Judge of Circuit shall appear to the Foujdarry Adawlut to be conformable to the Regulations, it shall be competent to the Judges of the Foujdarry Adawlut to confirm the sentence so passed upon the prisoner by the Court of Circuit and confirmed by the futwah of their law officers, and found conformable to the Regulations

without

without a revision of the proceedings held upon the trial, except in cases which for any special reason, or purpose of justice may appear to require it provided that in all cases wherein the prisoner or prisoners or any prisoner included in a trial referred to the Foujdarry Adawlut, may be liable to capital punishment, as well as all other cases wherein the Judge of Circuit, before whom the trial is held, may not concur in the conviction of the prisoner declared by the futwah of his law officer, or may not consider the prisoner, though convicted, a proper object of the punishment to which he is liable by the Mahomedan law and Regulations, or in which the law officers of the Foujdarry Adawlut, may not confirm the conviction of the prisoner declared by the law officer of the Court of Circuit, or in which the sentence passed by the Court of Circuit may not appear conformable to the Regulation or in which any special reason or purpose of justice, may appear to require a revision of the trial; the Judges of the Foujdarry Adawlut shall revise and consider the whole of the proceedings held upon the trial and shall pass sentence accordingly.

In what cases the Judges of the Foujdarry Adawlut are to revise the whole of the proceedings held upon the trial or in cases not capital so much thereof as may be requisite for a full Judgment on the case in reference.

VIII. *First.* So much of Section XVIII. Regulation VIII A. D. 1802; as authorizes the transportation to some place beyond Sea, of convicts sentenced to confinement for a term of seven years; or for any limited term of years, and directs a reference from the Courts of Circuit to the Foujdarry Adawlut, in all instances wherein they shall consider offenders convicted before them to be proper objects of transportation, is hereby rescinded.

Part of Section XVIII Regulation VIII. A. D 1802 rescinded.

*Second.* Transportation beyond Sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life

Transportation beyond Sea restricted to convicts sentenced to confinement for life and to be adjudged against such convicts if deemed proper objects of transportation.

on by the court paſſing ſentence upon them.

life may be paſſed againſt a priſoner, whether by the Courts of Circuit in the firſt inſtance or finally by the Court of Foujdarry Adawlut; the Court paſſing ſuch ſentence if it deem the priſoner a proper object of tranſportation beyond ſea ſhall at the ſame time adjudge him or her to be tranſported for life.

Convicts ſentenced to confinement for life but not conſidered proper objects of tranſportation beyond ſea as well as all convicts ſentenced to impriſonment for a limited period may be adjudged by the court paſſing ſentence upon them to be baniſhed during their ſentences from the diſtrict in which their place of abode is ſituated; and kept to hard labour in any other diſtrict, as directed by the Foujdarry Adawlut.

*Third.* In the caſes of convicts ſentenced to confinement for life whom the Courts of Circuit and Foujdarry Adawlut, may not conſider proper objects of tranſportation beyond Sea; under the preceding clauſe as well as in all caſes of convicts ſentenced to impriſonment for a limited period, the Court by whom the ſentenced is paſſed if it deem the ſame proper, on conſideration of the priſoner's offence, may adjudge him to be baniſhed during the period of his ſentence from the diſtrict in which his place of abode is ſituated; and to be kept to hard labour on the public roads or other public works, in any other diſtrict, to which he may be removed by order of the Foujdarry Adawlut.

Reports to be made by the Zillah Magiſtrates to the Foujdarry Adawlut of convicts ſentenced to tranſportation or to baniſhment under the two preceding clauſes

*Fourth.* The Magiſtrates of the ſeveral Zillahs at the cloſe of the half yearly jail-delivery of their reſpective diſtricts the 1ſt January and 1ſt of July of each year, or at any other period when the ſame may be required by the Foujdarry Adawlut ſhall tranſmit to that Court, a liſt of the convicts in their reſpective jails who may have been ſentenced to tranſportation beyond ſea, or to baniſhment from the diſtrict in which the offenders may have reſided under each of the two preceding clauſes; ſpecifying in ſuch liſts the names, ages, crimes and ſentences of the ſeveral convicts; and in the liſt of thoſe ſentenced to baniſhment, the diſtrict in which they may have uſually reſided before they were brought to trial.

*Fifth.*

Further declared competent as heretofore to order the removal of convicts under sentence of imprisonment to any jail or district within the Company's possessions.

*Fifth.* The Court of Foujdarry Adawlut is declared competent as heretofore, under the discretion allowed by the Mahomedan law to order the removal of all convicts, under sentence of imprisonment, to any jail or district within the Company's possessions in which it may be thought proper to keep or employ them during the period of their respective sentences altho' no specific sentence of banishment may have been passed against them under Clause third of this Section. But no such removal shall take place without the special order of the Court of Foujdarry Adawlut.

Section XXII. Regulation VIII. A. D. 1802, rescinded convicts escaped from jail or otherwise during their sentences and reapprehended to be brought to trial before the Courts of Circuit for such escape and for any acts of violence attending the same or done in attempt to escape.

IX. *First*—Section XXII. Regulation VIII. A. D. 1802, is hereby rescinded; convicts sentenced to imprisonment by the Courts of Circuit or by the Courts of Foujdarry Adawlut, who during the period of their sentences may escape from jail or other place of confinement; or from the Roads, or any other place where they may be employed; and who may be re-apprehended shall be brought to trial before the Courts of Circuit for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable, to such further punishment in addition to their former sentences as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

How punishable on conviction.

Convicts under sentence of transportation for life who may be transported after the promulgation of this Regulation and shall escape and return without permission to any part of the Company's territory under the Presidency of Fort St. George declared liable on conviction to suffer death.

*Second*—Any convicts under sentence of transportation for life who may be transported to any place beyond Sea, after the promulgation of this Regulation, and shall escape from such place of transportation and return, without permission to any part of the Company's territory under the Presidency of Fort St. George, shall (notice of this penalty being duly made to

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the convict at the time of passing sentence on him) on conviction thereof to the satisfaction of the Foujdarry Adawlut, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death.

Foujdarry Adawlut empowered and directed to commute to banishment and hard labour the sentence of any convicts already ordered to be transported beyond Sea, but not yet actually transported, if it appear, proper in consideration of the short periods of their sentences or otherwise.

X. If any convicts already ordered to be transported beyond Sea under Section XXVIII. Regulation VIII. A. D. 1802; or under Section XXII. Regulation VIII. A. D. 1802; but not yet actually transported, shall appear to the Court of Foujdarry Adawlut, from the short period of their sentences or otherwise to be more properly objects of banishment from the district in which they may have resided in pursuance of Clause third, Section VIII. of this Regulation than of transportation beyond Sea; the Judges of that Court are empowered and directed to commute the sentence or order the transportation in such instances to banishment and labour for the same period in conformity to the Clause and Section abovementioned.

Provision for the cases of Prisoners required by the Courts of Circuit or Foujdarry Adawlut to give security for their future good behaviour and appearance: and who may be unable to find such security but from their behaviour whilst in confinement and other circumstances may appear to the Magistrate proper objects of release without security under a penal engagement for their future good conduct.

XI. *First.* In the cases of suspicion or bad character refered to in Clause sixth, Section II. of this Regulation, wherein the Courts of Circuit may direct the Zillah Magistrates to detain prisoners in custody until they give sufficient security for their future good behaviour and appearance, when required; as well as in any similar cases wherein the like directions may be given by the Court of Foujdarry Adawlut, if any prisoner shall have remained in confinement for a year or any longer period, under inability to give the security required; and the execution of a Moochulka (penal engagement) by the prisoner for his future good conduct without security, may on consideration of the circumstances of the case and the prisoner's behaviour during his confinement appear to the Magistrate sufficient to provide for the object intended he shall report the same

to

to the Court of Circuit at the next ensuing jail-delivery for the Zillah in which such prisoner may be detained in custody.

Report to be mad by the magistrate the Court of Circu in such cases.

*Second.* In all cases of such reports being made by the Zillah Magistrate to the Courts of Circuit, the Judges of the latter are to call the prisoner before them, and to examine the proceedings held upon his trial, as far as may be necessary to ascertain the grounds on which the prisoner may have been required to find security, after which and duly considering the circumstances stated, in the Magistrate's Report, if they shall concur with the latter in opinion that the prisoner ought to be released, on his Moochulka without security, they are to direct the same accordingly.

Courts of Circuit ho to proceed on receiv ing such report.

*Third.* In the exercise of this discretion the Magistrates and Courts of Circuit will of course give due consideration to the nature of the crime, of which the prisoner may have been convicted or suspected; his general character as far as ascertainable; and the consequent risk to be apprehended from his being released without security for his future good conduct.

Considerations to b attended to by th Magistrates and Courts of Circuit in the exercise of the discretion vested in them by this Section.

# A. D. 1803. REGULATION XII.

# A REGULATION

FOR SUSPENDING THE OPERATION OF THE

## CUSTOM REGULATIONS

IN CERTAIN CASES,

PASSED BY THE

## GOVERNOR IN COUNCIL

*OF FORT ST. GEORGE,*

ON THE 30TH DECEMBER 1803,

*Corresponding with the 17th Margaly of the 1825th Year of Saliwakana and with the 16th Rumzan 1218 Hejeree.*

# A. D. 1803. Regulation XVI.

A REGULATION *for suspending the operation of the Custom Regulations in certain cases, passed by the Governor in Council of Fort St. George on the 30th December, 1803; Corresponding with the 17th Margaly of the 1825th Year of Saliwakana and with the 16th Rumzan 1218 Hejeree.*

IT having been established to the satisfaction of the Governor in Council that the Regulations, recently enacted for the collection of the Customs by Sea and Land, are at present inapplicable to the provinces of Canara and Malabar, it has been judged expedient that those provinces should not be included in the operation of the Custom regulations; and for reasons founded on the present relation of the Zemindar of Tondiman and the Rajah of Coorg to the British Government, it has been deemed expedient to extend the exclusion to the territories subject to the authority of those Chieftains, the Governor in Council has been accordingly pleased to pass the following regulations for those purposes.

II. The

The provinces of Malabar and Canara and the territories belonging to the Zemindar of Tondiman and the Rajah of Coorg exempted from the operation of Regulation XI. and XII. of 1803.

II. The provinces of Canara and Malabar, and the territory comprehended in the Zemindary of Tondiman with the territories ſubject to the juriſdiction of the Rajah of Coorg, are hereby exempted from the operation of the Regulations XI. and XII. of 1803.

The duties eſtabliſhed in Canara and Malabar to be collected in the ſame manner as they were before the Cuſtom Regulations were paſſed.

III. The duties eſtabliſhed in the provinces of Canara and Malabar ſhall continue to be collected in the ſame manner as they were collected previouſly to the date of paſſing the above Regulations under the ſuperintendence and control of the Board of Revenue.